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REPORTS, TREATIES, &c.

REPORT ON THE LOCATION OF THE BRITISH-ALASKAN BOUNDARY UNDER THE ANGLO-RUSSIAN CONVENTION OF 1825.

BY COLONEL D. R. CAMERON, R.A., C.M.G.

No. 1.

The following remarks on the location of the British Alaskan boundary, in respect of their order, follow the sequence indicated in the Convention by which the boundary is defined : and in respect of their matter, are suggested by interpretations of the terms of the treaty opposed to the intention of its framers.

The order adopted, following the northerly course of the line, is :—

The water boundary :

- 1st, from the southernmost point of Prince of Wales Island to Portland Channel.
- 2nd, the course of the line through Portland Channel.

The land boundary :

- 1st, from Portland Channel to the parallel of 56° North latitude.
- 2nd, from 56° North latitude to contact with the meridian of 141° West longitude.
- 3rd, from contact with the meridian of 141° West longitude to the Arctic Ocean.

The matter aims at a demonstration of the intentions of the framers of the Convention, founded upon records of the negotiations, maps, charts, and the wording of the treaty itself; and brings into contrast with the conclusions thus arrived at, views inconsistent with them, and based, it is believed, on imperfect information.

The interpretation of the Convention, supported by the arguments now submitted, will be found to be an unstrained and natural version of the terms of the treaty, consistent in every respect with the inferences to be drawn from the records of the negotiations and not inconsistent in any single point with the geographical features referred to.

On the other hand, it is shown that the alternative interpretations abound with untenable assumptions, improbabilities, inconsistencies and contradictions. These support the view that the treaty description of the boundary—in every detail except as regards the meridian line to the Arctic,—is inaccurate, incomplete, or impracticable.

The interpretation maintained in this report to be that intended by Russia and Great Britain, is precise and definite ; and, consistently with the attitude of the contracting parties at the date of their Convention, indicates a line easier to be recognized and marked than any other which could, even now, be described in words.

The British Alaskan boundary is defined by the Convention of 28-16 February, 1825, between Great Britain and Russia.

A general sketch of the origin, and of the course of the negotiations which terminated in the Convention, is contained in a Confidential Memorandum drawn up for the use of the Foreign Office in 1835, and reprinted in 1868.

The Right Hon. Mr. George Canning was Secretary of State for Foreign Affairs during the negotiations. His Excellency Sir Charles Bagot was the British Plenipotentiary who commenced the negotiations at St. Petersburg. They were concluded by Mr. (afterwards Sir) Stratford Canning. Count de Nesselrode, Imperial Secretary of State, and Monsieur de Poletien, Imperial Councillor of State, were the Russian Plenipotentiaries, and Count de Lieven was the Russian Ambassador throughout.

Of the Articles of the Convention, Nos. 3 to 6, inclusive, alone relate to the subject of this report.

Sir Stratford Canning—who, as British Plenipotentiary, concluded the Convention—wrote of the terms in which the agreement was expressed as follows :—“ The Articles of the Convention depend for their force entirely on the general acceptance of the terms in which they are expressed.”

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At the date of the negotiations there was a fairly accurate knowledge of the ocean topography referred to in the Articles just specified. This knowledge, common to the Russian and British authorities concerned in the negotiations, was chiefly derived from Vancouver's explorations with H.M. ships "Discovery" and "Chatham" in the years 1791-95.

Mr. G. Canning, when instructing Sir Charles Bagot on the 20th January, 1824, referred him to Vancouver's chart and to a Russian map published in 1822.*

In Humboldt's Political Essay on the Kingdom of New Spain, 8vo. ed., 1811, Vol. II, pp. 388-9, he refers to a beautiful official Russian chart of 1802, embracing from 60° to 72° N. lat., and from 125° to 224° long. (Paris meridian); the names in Russian characters. A Russian chart exactly answering the above description, with the exception that longitude is reckoned from Ferro (=18° W. long. from Greenwich), is in possession of the Hydrographic Department of the British Admiralty (Reference No. 546, A.C.); and it agrees with the size given by Humboldt in metres and decimals.

These maps embrace the region touched on by the Convention of 1825. They profess to include the most recent discoveries of Russian and foreign navigators. The Admiralty copy has on its face at the right-hand side the following manuscript note:—

"N.B.—The Russians claim the coast of America as far as the coloured part is marked." It is also docketed, "Chart of the N.E. part of Russia, and the claim of the Russians to that part of the American coast where coloured."

This colouring assigns Prince of Wales and Revilla Gigedo Islands to Russia, and terminates on the continent on Behms Canal at 55° 60' N. lat.

The note would indicate that the map had been consulted with reference to the negotiations of 1824-5.

The details of the map are largely taken from Vancouver's charts of 1798.

On 20th January, 1824, Mr. G. Canning also transmitted a sketch map from a Russian chart he had received from Sir John Barrow, Secretary to the Admiralty; and, with reference to the chart itself, Lord Francis Conyngham notes (Record Office, Russia Domestic Vol., 146, 13 January, 1824), "it is copied from Vancouver's Survey."

The chart referred to by Lord F. Conyngham was probably the Russian chart of 1802, previously mentioned.

Of part of the islands off the Alaskan coast, Humboldt says (Vol. II, p. 394): "It appears that the great island of the King George Archipelago has in fact been examined with more care and more minutely by Russian navigators than by Vancouver. Of this we may easily convince ourselves by comparing attentively * * * the charts published at St. Petersburg in the Imperial dépôt in 1802 and the charts of Vancouver." King George's Archipelago mentioned by Humboldt is only a small part of the survey by Vancouver, which included the Russian post "Sitka."

The Russian Plenipotentiaries, in the course of the negotiations, referred to English maps as furnishing the most recent and reliable information.

In replying to the British Plenipotentiaries' second Projet, the Russian Plenipotentiaries remarked: "D'après les cartes les plus récentes et les meilleures publiées en Angleterre, les établissements de la Compagnie de la Baie de Hudson ne se rapprochent des côtes que par le 53^{me} et le 54^{me} degré, et l'on ne saurait prouver que sur aucun point ils arrivent jusqu'au grand océan."

Again, on the 29-17 March, 1824, in remarking on Sir Charles Bagot's rejoinder to the Projet just mentioned, the Russian Plenipotentiaries remark:

"Qu'au reste d'après le témoignage des cartes les plus récentes publiées en Angleterre, il n'existe aucun établissement Anglais ni sur la côte même du continent, ni au nord du 54^{me} degré de latitude septentrionale."

Then, on the 5th April, 1824, Count de Nesselrode, in writing to Count de Lieven, remarks:—

"On ne peut effectivement assez le répéter, d'après le témoignage des cartes les plus récentes, l'Angleterre ne possède aucun établissement ni à la hauteur du Portland Canal, ni à bord même de l'océan." * * *

The maps of Arrowsmith, hydrographer to His Royal Highness the Prince of Wales, were noted for their reliability at the time of the Convention; he made maps for the Hudson's Bay Company, and the Company placed all their topographical information at his disposal. A map of North America first published in 1795, but corrected up to 1814 (now in the library of the Royal Geographical Society), is dedicated by Arrowsmith to the Hudson's Bay Company in recognition of their liberal communications to him. Mr. Stanford of Long Acre procured from the late Mr. Arrowsmith, and has now in his possession, many original sketches and surveys of Hudson Bay Company's territory.

But, for the details of the Alaskan coast, Arrowsmith was almost wholly indebted to Vancouver. On the other hand, it was probably to Arrowsmith's maps the Russian

*It may safely be assumed that this Russian map of 1822, in its details, closely followed the Russian map published in 1826. See additional map No. 5.—D.R.C.

Plenipotentiaries, for the time being, on the interior coast-line survey.

H. S. Tanner, the Royal Geographer, corrected to 1814, to the former corrected to 1814, in relation, is referred to in various parts.

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Plenipotentiaries referred when they spoke of the position of the Hudson Bay factories, for the title of the map of North America says it includes "all the new discoveries on the interior parts of North America," and Vancouver's charts are confessedly only coast-line surveys.

H. S. Tanner, a leading United States geographer, who published an Atlas (now in the Royal Geographical Society's library) of North America, at Washington in 1822 (corrected to 1825) speaks in his preface of "Arrowsmith and of Vancouver;" he refers to the former as "the eminent British geographer;" and says of his map of 1795, corrected to 1814: "This chart, although the most complete at the period of its first publication, is rendered nearly obsolete by the great quantity of charts and other works on various parts of the American coast which have appeared within a few years."

As will be understood from what immediately follows, Tanner's depreciatory remark did not apply to the south-west coast of Alaska, but to the interior of the United States, &c., for he goes on to notice "The Atlas to Vancouver's Voyages," saying:—"These charts, with the exception of a few points" (none of these points affect the subject of this report) "to be noticed hereafter, were used almost exclusively" (by himself) "for the western coast below the latitude of 60° N. The high estimation in which Vancouver's charts are deservedly held by men of science renders any remarks here, in their commendation, entirely superfluous."

Tanner took special interest in the north-west coast of America, for he discusses the question of the claim of Russia raised by the Imperial Ukase of 1821, whence originated the Conventions of 1824-5 between Russia and Great Britain, and between Russia and the United States.

It is thus apparent that both Russian and British authorities, when negotiating the Convention of 1825, had access to the most recent and trustworthy sources of topographical knowledge with respect to the north-west coast of North America.

The Russian authorities referred during the negotiations to British charts and the British authorities referred to Russian charts.

The water boundary is described by the 3rd Article of the Convention in the following terms:—"La ligne de démarcation entre les Possessions des Hautes Parties Contractantes, sur la côte du continent et les Iles de l'Amérique Nord-Ouest, sera tracée ainsi qu'il suit:—

"A partir du point le plus méridional de l'île dite *Prince of Wales*, lequel point se trouve sous la parallèle de 54^{me} degré, 40 minutes de latitude Nord, et entre le 131^{me} et le 133^{me} degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite *Portland Channel* jusqu'au point de la terre ferme où elle atteint le 56^{me} degré de latitude Nord."

The Prince of Wales Island above referred to is recognized at once by the recorded latitude and longitude of its southern coast.

The island is the principal feature of what Vancouver named the Prince of Wales' Archipelago (*see* Vancouver 8vo Edn., Vol. IV., p. 273 and Chart VII of Vancouver's 4to Edn., Vol. II., p. 419 Atlas.)

One of the earliest map references to what Vancouver had called "Prince of Wales's Archipelago" as "*Prince of Wales Island*" is to be found in the Atlas of Tanner, already alluded to, published at Washington in 1822, and improved in 1825.

The first record of official use of the name "*Prince of Wales Island*" appears to be in the first *Projet* submitted in 1824 by the Russian Plenipotentiaries, in which the name "*l'île du Prince de Galles*" occurs; and subsequently the name was adopted by the British Plenipotentiary.

Vancouver correctly supposed that the lands to which he had given the name "*Prince of Wales's Archipelago*," did not form a single island; but he had not verified his supposition; and consequently, on his chart, their sub-division into separate islands does not appear.

Hence it was natural for the Plenipotentiaries to refer to the Archipelago as an island.

Vancouver's *Voyage of Discovery*, 8vo Ed., Vol. IV., pp. 272-3, says:—"Its" (the Duke of Clarence's Strait) "western shore is an extensive tract of land, which (though not visibly so to us), I have reason to believe is much broken and divided by water, forming as it were a distinct body in the great archipelago. This I have honoured with the name of '*Prince of Wales's Archipelago*.'"

The name Prince of Wales's "*Island*" appears to have been first adopted on British Admiralty charts in 1861, in the case of No. 2490, Vancouver Island to Corova Bay, originally published in 1856; and so introduced from a Russian chart of 1849.

The correct recognition of the island has been dwelt upon at some length, because, as will hereafter appear, the United States' authorities take the view that "Wales Island" to the north of the entrance to Observatory Inlet is "The Prince of Wales Island" of the Convention of 1825.

The commencement of the line is described by the 3rd Article of the Convention as being at the point "le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54^{me} degré, 40 minutes de latitude Nord, et entre le 131^{me} et le 133^{me} degré de longitude Ouest (Méridien de Greenwich)." And Article IV, further refers to the line as follows: "Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent; 1° Que l'île dite Prince of Wales appar- tiendra toute entière à la Russie."

It may at once be observed that it is highly improbable that the southernmost point of Prince of Wales Island or Archipelago will be found to be exactly in latitude 54° 40' N. In fact it has not yet been ascertained that the southern coast of Prince of Wales Archipelago has been surveyed by any reliable authority. It is certain that it has not been surveyed by any British authority since Vancouver's time.

Vancouver did not survey the southern coasts of the Prince of Wales's Archipelago; yet, until recently, the details given by his charts have been those entirely depended on.

The two prominent features of the south of the Prince of Wales's Archipelago, are Capes Muzon and Chacon, both marked on Vancouver's chart as adopted from some other authority. He makes no reference to Cape Muzon in the text of his Voyage of Discovery, but he notes that he supposed he had recognized in the distance on the 14th August, 1793, what Caamano had called Cape Chacon. Vancouver remarks (Vancouver's Voyages, 4to Ed., Vol. IV., p. 189,

"About noon I landed on a small island lying to the south from Cape Northumberland, where I observed the latitude to be '54° 51' longitude 92° 55' (=131° 44' W. from Greenwich), 'from this island, 'which is tolerably high, I gained a very distinct view of the surrounding rocks, and 'breakers in all directions, * * * * From hence also the west point of entrance 'into this arm of the sea, called by Senr. Caamano—Cape de Chacon, lies S. 67 W. 'eight or nine leagues, and Cape Fox E. by S. five leagues distant."

Thus it will be apparent that Vancouver's determination of the position of Point Chacon did not pretend to be precisely accurate; there is even room to consider his recognition of Point Chacon as doubtful. He merely saw, at an estimated distance of 24 or 27 nautical miles, what—from Caamano's information,—he assumed to be Point Chacon.

From amongst leading authorities in nautical topography, the following items are noted with regard to Cape Chacon:—

A. G. Findlay's North Pacific Ocean and Japan Directory, Ed. 1886 (British), p. xvii.:—

N. Lat.	W. Long.	Authority
54° 42' 0"	131° 54'	Vancouver, &c.

and p. 599, "This latter cape is the S.E. point of the Prince of Wales Archipelago, "and bears S.W. $\frac{1}{2}$ S. from the former" (=Cape Northumberland; "about 25 miles "distant in

"Lat. 54° 43' N.
"Long. 131° 54' W."

In the edition of 1851, Part I, of the same work, at p. xxxix, the latitude is given as N. 54° 48' and the longitude as W. 131° 56'.

On the authority of Vancouver, and at page 442, it is said:—

"This latter cape is the S. W.* point of the Prince of Wales Archipelago, and "bears W.S.W. from the former (=Cape Northumberland) 8 or 9 leagues off."

The Pacific Coast Pilot 1883 (United States), p. 64, says:—

"Nearly S.W. by W. from Barren Rock, according to Russian authorities about "24 miles, is situated Cape Chacon or de Chacon, named by Caamano, and forming the "south-eastern point of Prince of Wales Island. * * * *The outlines of the land "are very differently given by different authorities, but most of them agree in placing "it in about latitude 54° 42' N., and nearly or quite on the same parallel with Point "Nunex and Cape Muzon."

British Admiralty charts take the latitude of Cape Chacon from Vancouver's chart as 54° 42½ N.

A large manuscript map compiled by Mr. L. Hebert, jr., in 1831, in the Colonial Office, assigns lat. 54° 40' N. to Cape Chacon; but there is nothing to indicate its authority, and it is probable that it is based on the latitude recorded in the Convention of 1825.

*S.E. (?)—D.R.C.

Cape Chacon has generally been considered the southernmost point of Prince of Wales Island referred to in the Convention; yet, as noted by the United States' Pacific Coast Pilot, it differs little, if anything, in latitude from Points Muzon and Nunez, which, although, on islands distinct from what is now called Prince of Wales Island, are nevertheless on part of the Prince of Wales's Archipelago, called Prince of Wales Island in the Convention of 1825.

The latitude of Cape Muzon, the south-western point of the Archipelago, is subject to similar doubt.

It has been seen that while Vancouver's record of the position of Cape Chacon was attributed to his own observation by Findlay's Directory of 1851, Vancouver himself refers to Caamano as his authority.

In Findlay's book of 1851 it will be found (part I., page xxxviii.) that to Cape Muzon is assigned lat. $54^{\circ} 43' N.$ on the authority of Quadra in 1775.

According to the other authorities already mentioned, the references to Cape Muzon are to the following effect:—

Findlay's North Pacific Ocean Directory of 1886 does not assign a latitude to Cape Muzon. At page 605, it is said "of the coast of Prince of Wales Archipelago we know 'but very little,' and at page 609, 'Cape Muzon, the S.E. (S.W.?) point of the 'Archipelago, is 12 miles to the east,' i.e., from Port Bazan, but the latitude of Port Bazan is not given.

British Admiralty charts show the position of Cape Muzon as given on Vancouver's charts; but Vancouver indicates on the charts themselves that he noted Cape Muzon upon Spanish authority.

The United States Pacific Coast Pilot (1883), p. 64, mentions that *Ca. Muzon*, Nunez and Chacon are nearly or quite on the same parallel, $54^{\circ} 42'$; and, at page 66, records a determination on the spot by Brundige, viz., $54^{\circ} 42' 15'' N.$, and another by reconnaissance with reference to Howkan village, of which the latitude and longitude, $54^{\circ} 49' 39'' N.$

$132^{\circ} 50' 12'' W.$, were determined in 1881 by Lieutenant-Commander Nichols, U.S.N.,

giving $54^{\circ} 41' 4'' N.$ as the position of Cape Muzon.

The Colonial Office manuscript map of 1831, by Mr. Hebert, assigns $54^{\circ} 45' N.$ lat. to Cape Muzon, and about $54^{\circ} 42\frac{1}{2}'$ to Cape Nunez.

Russian official charts give the following latitudes to Capes Muzon and Chacon:—

	MUZON.	CHAÇON.
Chart of 1802, northern parts of Pacific Ocean.	N. $54^{\circ} 43'$	$54^{\circ} 46'$
Chart No. 1345, of 1844	" " "	" $54^{\circ} 45'$
Chatham Sound to Queen Charlotte Island, 1849	" $54^{\circ} 42'$	$54^{\circ} 42\frac{1}{2}'$
Southern half of the Koloschensk Archipelago,		
1853	" $54^{\circ} 42\frac{1}{2}'$	$54^{\circ} 42\frac{1}{2}'$

In no case does the latitude appear to be given as $54^{\circ} 40'$ except in the Colonial Office manuscript map, which was probably, in this respect, drawn to accord with the latitude mentioned in the Convention, and in Arrowsmith's map of 1795, corrected in 1811, '18, '19, '20, '24, '33, '39, and 1850.*

The preceding notes make it appear that at the time of the Anglo-Russian Convention of 1825, and even so lately as 1867, when Alaska was transferred to the United States, the southernmost point of Prince of Wales Island had not been authoritatively ascertained, and is still undetermined.

Similarly the longitude of the southernmost point of the island was not definitely determined, and it may therefore be assumed that the mention of latitude and longitude was made use of in order to indicate approximately the neighbourhood. That this is the correct interpretation may also be inferred from the construction of the sentence of the Convention (3rd Article) in which the latitude is named, and from several circumstances during the negotiations.

"A partir du Point le plus méridional de l'île dite Prince of Wales" are the words which first occur; and those that follow: "lequel point se trouve sous la parallèle du 54^{me} degré, 40 minutes, de latitude Nord, et entre le 131^{me} et le 133^{me} degré de longitude Ouest," are used merely parenthetically to facilitate reference to the geographical feature alluded to.

Taking the words as they occur, they are plainly the equivalent of "the line commencing at the southernmost point of Prince of Wales Island, which point we, the negotiators, believe to be about latitude $54^{\circ} 40' N.$ and between 131° and 133° west longitude."

* Also in Arrowsmith's map of 1832 (Royal Geographical Society's Map Room, No. 39) gives $54^{\circ} 40'$; but the map of 1795, corrected to 1814 gives $54^{\circ} 42'$.—D.R.C.

The territory to be assigned and not a latitude or a longitude was the subject matter of the negotiations. The Russian Government had been ready to consider such a division of territory as might be marked out by the parallel of 55° N. lat., but finding this line would leave two comparatively small parts of the supposed island, Prince of Wales's Archipelago, projecting on the British side, and would unnecessarily ignore the advantages of natural geographical features in connexion with international limits, they pressed for the southernmost point of the island as the commencement of the line.

In their reply to Sir Charles Bagot's first Projet, the Russian Plenipotentiaries remarked:—

"Les propositions faites par les Plénipotentiaires de Russie à Sir Charles Bagot et que Son Excellence a été priée de prendre en mure considération, tendaient à faire admettre le 55^{me} degré de latitude septentrionale comme ligne de démarcation entre les possessions respectives sur la côte Nord Ouest de l'Amérique.

"Cette même limite a déjà été assignée aux possessions Russes par la charte que l'Empereur Paul 1^{er} accorda à la Compagnie Américaine.

"Comme la parallèle du 55^{me} degré coupe l'île du Prince de Galles dans son extrémité méridionale, laissant en dehors deux pointes de terre, les Plénipotentiaires de Russie ont proposé que ces deux pointes fussent comprises dans les limites Russes voulant éviter par là, une division de territoire également incommode aux deux parties intéressées.

"Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui boient la côte."

These remarks show with perfect clearness that the governing idea in the minds of the Russian Plenipotentiaries, when embodying in the Convention the record of latitude and longitude, was to indicate a boundary by geographical features, and not to require one to be determined by geodetic measurement. Having first proposed a parallel of latitude boundary, they modified their proposal in order that the line might accord with geographical features.

Again, referring to the same subject, in their reply to Sir Charles Bagot's amended proposal, the Russian Plenipotentiaries recorded at a subsequent conference that, "Il était aussi de leur convenance mutuelle de déterminer ces limites d'après les séparations naturelles qui forment toujours les frontières les plus distinctes et les plus certaines." * * * "On ne parlera point ici des deux pointes de l'île du Prince de Galles qui sont situées au-dessous de la ligne de 55^{me} degré de latitude nord. Ces deux pointes ne pourraient être d'aucune utilité à la Grande-Bretagne, et si neuvième dixième de l'île du Prince de Galles appartenait à la Russie il est évidemment d'un intérêt réciproque que l'île lui appartienne toute entière."

Latitude 54° 40' was mentioned in the 3rd Article of the Convention of 17th April, 1824, between Russia and the United States, as the line limiting the extension of their respective nationalities on the N.W. coast and among its islands.

The negotiations with regard to the British Convention were proceeding at the same time as those of the Convention with the United States, but in the United States Convention there was no mention made of Prince of Wales Island.

The United States Convention provided for a geodetic limitation pure and simple not assigning sovereignty, but limiting future extension.

The British Convention described a line to be determined by geographical features,—of one of which the approximate geodetic position was named—to separate sovereign possessions.

As a matter of fact, 54° 40' was noted by Count de Nesselrode, in connexion with Prince of Wales Island, in his Despatch of the 5th April, 1824, the day the Treaty with the United States was signed. But it is no more open to argue that 54° 40' was named in the British Convention because it occurred in the United States Convention, than it is to maintain that it was brought into the United States' Convention in consequence of its connexion with Prince of Wales Island—already accepted by the British.

Presumption is strongly in favour of the latter view,—for it would appear that the only motive for selecting 54° 40' N. latitude as a limit to United States extension,—was the circumstance that, in their negotiations with the British—the Russians had already perseveringly urged a claim to sovereignty over the whole of Prince of Wales Island.

Russia and the United States had previously concurred in selecting the parallel of 55° N. latitude.

From the southernmost point of Prince of Wales Island the line is defined as one which "remontera au Nord le long de la passe dite Portland Channel, jusqu'au Point de la terre ferme où elle atteint le 56^{me} degré de latitude Nord."

The ordinary English translation of the words "la passe dite Portland Channel," is the channel called Portland Channel."

It will be found that Vancouver frequently used the word "canal" as synonymous with "channel."

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In the original 4to edition, Vol. II., p. 371, of his work, and on his folio charts, the name appears as Portland Canal.

In the 8vo edition, Vol. IV., p. 101, Portland Canal has been changed to Portland Channel.

In both these cases *canal* and *channel* are used as descriptive of a *narrow inlet*.

KANAL is the word used on Russian charts; it is literally and phonetically closely similar to the English and French word *canal*.

The French word *canal* is still the synonyme of both the English words *canal* and *channel*.

In the first contre Projet of the Russian Plenipotentiaries they speak of the feature as "le Portland Canal."

In the rejoinder by the British Plenipotentiary it is referred to as "le Canal de Portland."

In the Russian reply, the name used is "le Portland Channel."

While, in answering, the British negotiator speaks of the water as "le Portland Canal."

The entrance to Portland Channel is referred to by Sir Charles Bagot during his negotiation with the Russian Plenipotentiaries as being in latitude $54^{\circ} 45' N$.

In reply to the counter project submitted by the Russian negotiators, Sir Charles Bagot says:—

"Il est à remarquer en réponse à la proposition faite par les Plénipotentiaires Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'île du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal * * * * * ôterait à Sa Majesté Britannique la souveraineté de toutes ces anes et de ces petites baies qui se trouvent entre les latitudes 56° et $54^{\circ} 45'$ dont plusieurs (à ce qu'il y a tout lieu à croire) communiquent directement aux établissements de la Compagnie de Hudson's Bay * * * tandis que de l'autre côté la Compagnie Russe-Américaine ne possède aucun établissement sur la terre ferme entre les deux parallèles sus-mentionnées."

The Russian charts of this region published in 1802 and 1826 also give the latitude of the mouth of Portland Canal or Channel as $54^{\circ} 45'$.

And Vancouver, by whom the Canal was named, (*see* Vancouver's Voyages 8vo Edn., Vol. IV., p. 191)

4to Edn., Vol. II., p. 371) mentions the latitude of a point at its mouth within half a mile of the continental shore to the north as $54^{\circ} 45'$ (*see* Vancouver's Voyages 8vo Edn., Vol. IV., p. 146)

4to Edn., Vol. II., p. 334).

Consequently there is no doubt as to the passage through which the boundary was intended to run from the ocean.

On the United States' chart, No. 225, S.W. coast of Alaska, Alexander Archipelago, corrected by United States authorities up to 1882, the mouth of Portland Canal* is shown as between $54^{\circ} 45' N$. latitude, and $54^{\circ} 46'$.

On the same chart the international boundary is erroneously marked as leaving Portland Canal $55^{\circ} 2'$ and passing to the ocean through the mouth of Observatory Inlet.

The United States' chart now referred to is based on the British Admiralty chart, No. 2431, Cordova Bay to Cross Sound, which, however, does not show the boundary line. This British Admiralty chart is founded on a Russian chart of 1853. The British survey of Observatory Inlet in 1868 has been embodied in the United States chart. Since the first publication of these British and United States charts there is indicated a regular interchange of hydrographical information between the two countries.

Again, on the United States' chart, No. 710, Revilla Gigedo Channel, S.E. Alaska, 1885, from surveys in 1883, shows the entrance to Portland Channel as being in the latitude above noted.

Thus, at the dates referred to, we find Russian, United States and British charts agree in the geodetic location of the ocean entrance to Portland Canal.

The course of the canal included under the name Portland is minutely detailed by Vancouver (Vancouver's Voyages 8vo Edn., Vol. IV., pp. 132-146)

4to Edn., Vol. II., pp. 336-344).

He sums up his notice of it thus: "In the forenoon we reached that arm of the "sea whose examination had occupied our time from the 27th of the preceding to the "2nd of this month (August, 1793). The distance from its entrance to its source is "about 70 miles; which, in honour of the noble family of Bentinck, I named Portland's Canal" (4to ed., Vol. II., p. 371).

* C. E. Vancouver, Portland Canal.

The latitudes and longitudes given by Vancouver as those of the entrance and source of the canal,—the length 70 miles,—the chart records already referred to,—and Sir Charles Bagot's reference to the latitude of the entrance to Portland Canal, all concur in establishing the fact that Portland Channel as understood at the date of the Convention had communication with the ocean entirely distinct from the entrance to Observatory Inlet, called—only since about 1863—Portland Inlet.

It has already been explained that the southernmost point of Prince of Wales Island and the Portland Canal as regulating the boundary line, were adopted on the suggestion of the Russian Plenipotentiaries, as well marked geographical features conducing to international convenience as compared with a parallel of latitude at first desired by them; and, as a matter of fact, it would appear from the most reliable authorities that the southern point of the Prince of Wales Island and the ocean entrance to Portland Canal are not on the same parallel. It further appears—from the mention in the Convention (Art. III) that the southernmost point of the Prince of Wales Island was supposed to be in about latitude $54^{\circ} 40' N.$, while Sir Charles Bagot had referred to the entrance to Portland Canal being in $54^{\circ} 45' N.$,—that the negotiators did not suppose these places were on the same parallel of latitude.

Under these circumstances it follows that the boundary described by the Convention of 1825 as “à partir du point le plus méridional de l'île dite Prince de Wales ***” “la dite ligne remontera au Nord le long de la passe dite Portland Channel,” follows the course of a great circle between the south of the Prince of Wales Island and the centre of the Portland Canal ocean entrance.

Such a line is the most direct that can be drawn on the earth's surface between any two named terminal points. All points on it viewed from either extremity appear to be what would be popularly described as *in line*. It is consequently the simplest.

There are numerous rocky islets between Portland Canal and the south of Prince of Wales Island, and in case of the great circle line just referred to, intersecting any of these, it would be plainly in the spirit of the negotiations which resulted in the Convention of 1825, to rule that in case the great circle line between the southernmost point of the Prince of Wales Island and the entrance to Portland Canal be found to intersect any island, then the sovereignty of such island shall appertain wholly to that Power to which the great circle apportion the larger portion as determined by lower water sea-mark line. The southern parts of Prince of Wales Island were claimed—on similar grounds,—as appropriately appertaining to Russian territory.

It is further to be noted that between Prince of Wales Island and Portland Canal the international dividing line passes over open sea—much more extensive than would, under ordinary circumstances, have its sovereignty determined by a boundary line.

Notwithstanding the circumstances that the Convention of 1825 originated in the British objection to the Russian Ukase of 1821 assuming sovereignty over open ocean, there is room to doubt whether the Russian Government in concluding the Convention of 1825 may not have regarded its terms as implying a consent by the British Government to their claim to sovereignty over inter-insular sea limited by the line between Prince of Wales Island and Portland Canal.

Such a view, would, however, be inconsistent with the claims generally advanced by the United States with regard to the definition of coast territorial waters.

From the British point of view it is most probable that the line between Prince of Wales Island and Portland Canal was regarded merely as a line limiting land territory; whereas the Russian point of view would probably have given it the aspect of determining water as well as land sovereignty.

The force of these remarks may be appreciated on perusal of the following extract from a Despatch (No. 29 of 24th July, 1824) from Mr. G. Canning to Sir Charles Bagot:—

“By the territorial demarcation agreed to in this Project,” (a *Projet* sent for Sir Charles Bagot's guidance) “Russia will become possessed in acknowledged sovereignty of both sides of Behring's Straits.”

“The Power which would think of making the Pacific a *mare clausum*” (this refers to the provisions of the Russian Ukase of 1821) “may not unnaturally be supposed capable of a disposition to apply the same character to a strait comprehended between two shores of which it becomes the undisputed owner. But the shutting up of Behring's Straits, or the power to shut them up hereafter would be a thing not to be tolerated by England.”

“But in some way or other, if not in the form now prescribed, the free navigation of Behring's Straits, and the seas beyond them, must be secured to us.”

Subsequently, on 8th December, 1824, Mr. G. Canning, in instructing Sir S. Canning with regard to Behring's Straits, gives his reasons for deciding to omit mention of Behring's Straits in the Convention.

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Sir S. Canning, in Despatch No. 15 of ^{Feb. 17}~~Mar. 1~~, 1825, when reporting the conclusion of the Convention, remarks :—

"With respect to Behring's Straits, I am happy to have it in my power to assure you, on the joint authority of the Russian Plenipotentiaries, that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits or of the seas to the north of them."

And there is no allusion to Behring's Straits in the Convention itself.

On the other hand, Russia, by the 8th Article of the Convention, assented to the British claim to navigate the ocean to and from all rivers between Mount St. Elias and Portland Canal, flowing out of British territory. Yet as by the recent Treaty of Washington with the United States the British claim to navigate rivers, &c., within these limits is restricted by consent to navigation of the Stickeen, it is possible the United States might contend that they are by the Treaty of 1867 with Russia invested with territorial rights over all water between the islands on the coast north of the southernmost point of Prince of Wales Island to Cape Spencer, approximately in latitude $58^{\circ} 10' N.$, excepting only as regards approach to the Stickeen.

Under these circumstances it may be desirable that a definite understanding should be arrived at as to the meaning to be attached to the inter-territorial line from Prince of Wales Island to Portland Canal.*

Portland Canal, as described by Vancouver, and as known at the time of the Convention of 1825, was limited on its north and west by the continental shore, and on its east and south respectively by the mainland and islands separating it from Observatory Inlet, which inlet includes the recently named Portland Inlet.

There is still some doubt as to the exact position of the northern extremity of the Canal. Vancouver's record is $55^{\circ} 45' N. \text{ lat.}, 230^{\circ} 8' \text{ long.}$ ($=129^{\circ} 54' W. \text{ long.}$).

Recent observations (Commander Pender's Admiralty Survey, 1868) assigns a northerly extension of about 12 miles ($55^{\circ} 58' N.$) to the Canal; but as the water in the Canal was found by Vancouver to be fresh for 30 miles from the point he noted as its termination, and it is known that two fresh water streams flow into it at its northern end, there is room for variety of opinion as to what exact point should be considered the head of the Canal.

Vancouver 8vo. Edn., Vol. IV., p. 138
4to. Edn., Vol. II., p. 340
says, at 10 a.m., 29th July, 1793, "it" (the Portland Canal) "was found to terminate in low marshy land," and he subsequently indicates that he did not stay to examine the locality, since he mentions that two hours afterwards, on his return journey, he had observed for latitude three miles to the southward. When, at 10 a.m. on the 29th July, 1793, Vancouver reached the head of the Canal it was about dead low water of spring tides, and four days previously he had noted a rise of 20 feet in the Observatory Inlet. Such a rise in the neighbourhood of low marshy land might well account for variety of statement in recording the latitude of the termination of the Canal.

The outline of Portland Canal is such that no difficulty should arise in coming to an agreement as to the exact position of the international line passing through it.

A few points, however, require preliminary consideration with a view to clearing the subject.

The Russian Plenipotentiaries when asked by Sir Charles Bagot to put their original verbal contre-Projet in writing, thus referred to Portland Canal :—

"Pour compléter la ligne de démarcation et la rendre aussi distincte que possible les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte."

Sir Charles Bagot, in replying, commenced by a recapitulation of what he understood the Russian suggestion to be, and remarked, "En réponse à la proposition faite par les Plénipotentiaires Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'île du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme; de là jusqu'aux montagnes qui bordent la côte."

Sir Charles Bagot here plainly enlarged the claim made by the Russian Plenipotentiaries.

They did not propose that the line should ascend Portland Canal beyond the point at which the Canal intercepted the mountains bordering the main coast line; they submitted that the line should run up the Canal only "jusqu'aux montagnes qui bordent la côte." But Sir Charles Bagot assumed their meaning to be that the line should run throughout the length of the Canal.

The accuracy of Sir Charles Bagot's recapitulation of the Russian proposals was not, however, questioned by them; and as his interpretation of their proposal is not

* In this connexion, however, see Count de Neaseirode's statement after the conclusion of the Convention, as reported by Sir S. Canning, Appendix 34, p. 58.—D. R. C.

inconsistent with the terms used in the 3rd Article of the Convention, viz., "la dite ligne remontera au Nord le long de la passe dite Portland Channel," the interpretation must be accepted as deciding the meaning of these terms.

In a general sense it is quite practicable to draw a line midway between two others in the same plane which do not intersect; but theoretically, and assuming the measurements to be made from the external to the medial line, a line cannot be drawn so as to be equi-distant from two lines varying in direction, which are not themselves theoretically parallel to one another, and symmetrical.

Probably as strict a practical definition as can be given of a medial line suitable to the case under discussion, is that it shall be a line so placed between the opposite Canal boundaries that lines intersecting it at right angles and limited by the opposite boundaries shall be bisected by it. The characteristic of such a line is that were a vessel moving along it, the boundaries of the Canal would be equi-distant on the vessel's beams. Yet the definition fails to satisfy the problem under the circumstances of sudden or angular change of direction or of breadth in the Canal, and requires to be supplemented by the following:—"Where the application of the foregoing definition fails to give a continuous line, a conventional medial line shall be agreed upon, so as to connect the adjacent extremities of the interrupted lines described in accordance with the definition."

For the purpose of simplifying the demarcation of the medial line, the outlines of the Canal should be conventionally modified into a succession of connected straight lines, and then the medial international line located with reference to these conventional lines.

With regard to the course of Portland Channel in the neighbourhood of Tongass Island at the channel's mouth, it is clearly indicated by the red line drawn on the accompanying tracing from Vancouver's chart, No. 7. The red line illustrates Vancouver's exploratory boat track, which, as stated by him, followed the course of the channel he called Portland Canal.

On the United States' chart, No. 710, of Revilla Gigedo Channel (1885), the topography is delineated on a somewhat large scale, and names are allotted to most of the principal geographical features. These names will make clear the following verbal description of the Canal boundary entrance.

Commencing between Tongass and Kannaghunut Islands the Canal throughout its length follows the continental shore line, leaving on its southern and eastern side, in succession—

Sitklan Island,
Wales Island,
Fillmore Island, and
Pearse Island.

This course allots to United States territory a distinct entrance (of a minimum depth of 17 fathoms) round the North and East of Tongass Island.

The next point attracting attention, and apparently of much importance, is the determination of the place—at the northern extremity of Portland Canal, where the line leaves it.

The head of the Canal is the nearest route to the ocean for a British region of considerable extent to the north and east.

The Admiralty survey by Commander Pender, R.N., in 1868, is probably the most authentic available chart of this part of the Canal.

The survey shows Salmon River flowing in a south-easterly direction and Bear River in a south-westerly direction to conjunction at the head of the Canal.

The valleys of these two rivers are delineated as acutely separated by lofty mountains, which rising precipitously from the water of the Canal, attain elevations of 2,000, 4,500, 5,000 and 6,000 feet in the course of a few miles.

By the survey the northerly course of the medial line of the Canal would terminate close to where soundings of 24 fathoms are shown on the edge of a sand-bank at the junction of the two streams with the Canal, approximately in 55° 54' N. lat.

Before passing on to the course of the line beyond the head of the Canal, it may be well to clear away ambiguity occurring in the wording of the 3rd Article of the Convention.

The words "la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme où elle atteint le 56^{me} degré de latitude nord" have been translated into English as follows:—"The said line shall ascend to the north along the Channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude."

The original and the translation are both liable to be understood as implying that Portland Channel extends northward beyond 56° N. latitude; but that the boundary line is not to follow the course of the Canal further than the parallel of 56°. This interpretation is not, however, the only possible one, and, as will be seen, is incorrect.

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In English and Russian charts at the date of the Convention the latitude of the northern extremity of Portland Canal is always shown as $55^{\circ} 45' N.$ as determined by Vancouver, excepting in the Russian chart of 1802, on which the latitude assigned is approximately $55^{\circ} 42\frac{1}{2}' N.$ From the date of the Convention until as recently as the survey by Commander Pender, R.N., in 1868, the accepted latitude has been $55^{\circ} 45' N.$ Commander Pender's survey assigns about $55^{\circ} 54'$ to the position where it may be assumed Vancouver considered the Canal to terminate, but this possible approximation to $56^{\circ} N.$ lat. cannot be considered as affecting the point under discussion in any way.

Not only is there the evidence of official charts, which were probably consulted by the negotiators, showing that Portland Channel did not extend so far north as $56^{\circ} N.$ latitude, but there is on record that one of these charts was furnished to the British negotiator for the express purpose of the negotiation, and that he consulted Vancouver's chart, for he mentions the latitude given on these charts for the mouth of Portland Channel, and he gives reasons connected with the head of the Channel, for his contention that both shores of it should be British territory. There are also numerous other references made by both the British and Russian Plenipotentiaries to topographical details of the region, a knowledge of which at the time was obtainable only from Vancouver's charts or others founded on them.

Two references were made by the Russian Plenipotentiaries to the latitude of the head of Portland Canal as being $56^{\circ} N.$, but under circumstances not requiring minute precision as regards latitude:—

In supporting their contre-Projet they submitted arguments to Sir Charles Bagot in March 1824, remarking, "*C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du continent au Sud, le Portland Channel dont l'origine dans les terres est par le 56^{me} degré de latitude nord, et à l'est* * * * * *"

And again, "*Le projet d'arrangement des Plénipotentiaires de Russie laisse ouvert à l'extension successive des Colonies Anglaises:—*

"1° * * * * *
 "2° Tout le territoire situé entre les établissements Anglais au 54^{me} et l'origine du Portland Channel qui est au 56^{me} parallèle."

In the first quotation the line of Portland Canal is roughly referred to as a southern boundary, whereas it is in fact almost due north and south, and therefore an eastern boundary; and like absence of precision is attributable to the reference to latitude.

Similarly in indicating general limits to another region in the case of the second quotation, the stretch between British establishments in lat. 54° and Portland Channel lat. 56° is mentioned. Neither latitude is correct, but both are sufficiently so for the use made of the reference to them. The reference in this case is plainly to trading, where Fort McLaughlin, in about $53\frac{1}{2}^{\circ} N.$ is noted by Arrowmith.

But if these circumstances should possibly leave room for doubt that the negotiators were under the impression at least that it was probable Portland Canal did not extend so far to the north as $56^{\circ} N.$ lat., there is the direct and conclusive evidence of the Russian Plenipotentiary himself,—Count de Nesselrode, who subsequently on the 5th April, 1824, in writing instructions to the Russian Ambassador, remarks:—

"* * nous proposons de porter la frontière méridionale de nos domaines au $54^{\circ} 40'$ de latitude et de la faire aboutir sur le continent au Portland Canal dont l'embouchure dans l'océan est à la hauteur de l'île du Prince de Galles et l'origine dans les terres entre le 55° et 56° de latitude;" and Mr. Canning's description of the line, to Sir Charles Bagot, on 12th July 1824.

Consequently the Plenipotentiaries could not have intended the formal declaration of their agreement to be interpreted as stating in effect that Portland Canal either passed or actually reached so high a latitude as $56^{\circ} N.$

The origin of the reference in the Convention to $56^{\circ} N.$ latitude may be traced through another passage in the same Despatch from Count de Nesselrode to Count de Lieven; and in Sir Charles Bagot's Despatch of 17-29 March, 1824, to Mr. Canning.

The Count de Nesselrode remarks " * * * * * les dernières propositions de Sir Charles Bagot furent * * * de stipuler que notre frontière suivrait de cette île" (Prince of Wales) "la passe dite *Duke of Clarence Sound* et qu'elle n'aboutirait qu'à la côte qu'au-dessus du 56° de latitude septentrionale."

Also the Count had been urging that the Russian territory on the coast should be of the uniform breadth of 10 marine leagues:—far north as Mount St. Elias, to which exception was taken by the British authorities. Finally it was agreed that from the latitude of 56° northward the tops of the mountains next the sea should mark the line.

Reverting again to the suggested interpretation of the 3rd Article of the Convention which would make it appear that the framers of the Convention supposed Portland Channel extended northward to $56^{\circ} N.$ lat., it will be seen that the terms of the Treaty are directly opposed to such a rendering.

The second paragraph of the 4th Article of the Convention was originally embodied parenthetically in the 3rd Article as explanatory of the course of the line there described.

In the letter of Sir S. Canning of ^{17 February} 1825, covering the Convention 1 March

which he had just concluded, he says to Mr. G. Canning:—"The second paragraph of the 4th Article had already appeared parenthetically in the 3rd Article of the *Projet*, and the whole of the 4th Article is limited in its signification and connected with the Article immediately preceding it, by the first paragraph."

Consequently there are three references in the 3rd and 4th Articles, all referring to identically the same spot on the parallel of 56° N. latitude:—

- (a.) 3rd Art.—" * * jusqu'au point de la terre ferme où elle atteint le 56^{me} degré de latitude nord."
- (b.) 3rd Art.—" * * de ce dernier point la ligne de démarcation suivra la crête des montagnes."
- (c.) 4th Art.—" * * la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56^{me} degré de latitude nord * * "

It is thus clear that the reference (c.) is not an allusion to a point on the Portland Channel, for "la crête des montagnes" cannot be on an inlet.

It is equally clear, both from the covering letter of Sir S. Canning and from the language of the Convention itself, that the point alluded to in (b.) is the same as that named in (c.).

It is no less clear that the words "de ce dernier point" in (b.) refer to the position described in (a.) as "jusqu'au point de la terre ferme où elle atteint le 56^{me} degré de latitude nord." And, consequently, the conclusion is irresistible, that "elle atteint le 56^{me} degré de latitude nord" does not refer to Portland Canal, but to the mainland, attaining 56° north latitude.

The mistaken interpretation of the Convention is due to the ambiguity in the use of the personal pronoun "elle" in the words "jusqu'au point de la terre ferme où elle atteint le 56^{me} degré de latitude." By the erroneous interpretation "elle" is made to refer to "la passe dite Portland Canal"; by the correct interpretation "elle" refers to "la terre ferme."

The acceptance of the word "elle" as referring to "la passe dite Portland Channel" involves grammatical error, confusion of ideas, and redundancy in the sentence.

Of the three feminine nominatives preceding "elle," viz., "la ligne," "la passe," and "la terre," grammatical rule refers the pronoun to the last.

The draftsman of the Article has evidently had in his mind's eye, when describing the line, a point in movement developing a line over stationary geographical features. The line, he proposes, shall go to the north along Portland Channel, up to the point of the continent, where it attains the 56th degree of N. latitude; from this point the line shall follow the tops of the mountains, &c.

If the words "where it attains" apply to the Canal, the idea of the draftsman has been confused; for in this case the point developing the line is supposed at first to be moving along a stationary geographical feature, and then without necessity, and in direct opposition to the governing idea of the composition, the draftsman neglects the developing point, and sets the geographical feature in movement of development until it reaches the 56° of latitude, then once more reverts to his main idea, and considers the geographical features stationary, and a point to be moving over them developing a line.

The redundancy in the sentence on the supposition that "elle atteint" refers to "la passe dite Portland Channel," is still more striking. In this case there could be no occasion whatever for the introduction of the words "de la terre ferme." Without these words the sentence stands "la dite ligne remontera au nord le long de la passe dite Portland Channel jusqu'au point où elle atteint le 56^{me} degré de latitude nord."

On the other hand, as the intention was that the line should reach 56° of latitude, and it was believed that the Channel did not extend so far to the north, the words "de la terre ferme" are not only naturally introduced, but aid in avoiding ambiguity, since without them the inference might, and probably would, be that the line was to reach the parallel of 56° on the waters of the Channel; but with them it is proscribed that the end of the section of the line is to be found on a point "de la terre ferme."

That the expression "la terre ferme" may have been here used to indicate a point on the waters of Portland Channel is further negatived by the reply (already quoted) of Sir Charles Bagot to the Russian contre-Projet, in which he interprets their proposal to mean a line traced to the mouth of Portland Channel, thence along the middle of the channel "jusqu'à ce qu'elle (la ligne) touche la terre ferme."

The foregoing remarks show that the Convention of 1825, when defining the line subsequent to its arrival at the head of Portland Channel, requires that the boundary should run to a point on the parallel of 56° N. lat. and from the same point (*de ce dernier point*) continue onwards.

This point of the parallel of 56^{me} N. lat. is defined in effect to be that, at not more than 10 marine leagues from the ocean, where the crest of the mountains nearest the ocean may be found, or, failing such mountains, a point on the parallel at 10 marine leagues from the ocean.

Little or nothing was known of the inland topography of Alaska, by the Negotiators of the Convention of 1825.

Vancouver's charts showed by conventional signs an unsurveyed mountainous region bordering on the coast; but both the Russian and British negotiators, while doubtful as to the intention of the authors of the charts, conceived the probability of these inland details being unreliable, and so framed the 3rd and 4th sections of the Treaty as to provide for this contingency.

The Russian Plenipotentiaries offered to secure to the British the unfettered navigation of all the rivers *qui aboutissent à l'océan dans cette même lisière*. That is to say, they did not know what rivers there were, but their offer extended to any there might be.

The Russians repeated their proposal to the same effect as follows:—

"Les Plénipotentiaires de Sa Majesté Impériale prévoyant même le cas où, sur la lisière de la côte qui appartiendrait à la Russie, il se trouverait des fleuves au moyen des quels les établissements Anglais pourraient communiquer avec l'océan, se sont empressés d'offrir par une stipulation éventuelle la libre navigation de ces fleuves."

Mr. Canning having referred the boundary question to the Hudson's Bay Company, their Governor in replying remarked: "Neither party have any very accurate geographical information with respect to the country in the immediate neighbourhood of the sea, and * * * the most satisfactory manner of settling this point probably would be by inserting in any article providing for the boundary on the mainland 'the nearest chain of mountains not exceeding a few leagues of the coast.'"

Mr. Canning, in writing to Count de Lieven, refers to "rivers which may be found to empty themselves into the sea within the Russian frontier."

Again, in writing to Sir Charles Bagot, he says: "The seaward base of the mountains is assumed as that" (eastern) "limit. But we have experience that other mountains on the other side of the American continent, which have been assumed in former Treaties as lines of boundary, are incorrectly laid down in the maps; and this inaccuracy has given rise to very troublesome discussions. It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast, as far as Mount St. Elias, is not carried too far inland. This is done by a proviso that the line shall in no case (*i.e.*, not in that of the mountains which appear by the map almost to border the coast turning out to be far removed from it) be carried further to the east than a specified number of leagues from the sea."

Then Count de Lieven in writing to Mr. Canning says:—

"* * * il ne serait point impossible, vu le peu de certitude des notions géographiques que l'on possède encore sur ces parages, que les montagnes désignées pour limite s'endissent par une pente insensible jusqu'aux bords même de la côte."

Impressed by the importance of guarding against the possible unintended consequence of topographical ignorance, Mr. Canning again reverts to the subject in writing to Sir Stratford Canning, and remarks:—

"The inconvenience against which we wished to guard was that which you know and can thoroughly explain to the Russian Plenipotentiaries to have existed on the other side of the American continent, when mountains laid down in a map as in a certain given position, and assumed in faith of the accuracy of that map as a boundary between the possessions of England and the United States, turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussion. Should the maps be no more accurate to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory, where we only intended to give, and they only intended to ask, a strip of sea coast!"

Sir Charles Bagot, in explaining on the 17th March, 1824, to Mr. Canning his reasons for suspending the negotiations, wrote:—"I certainly could not venture to take upon myself the heavy responsibility of making any further concessions of a territory, the value and possible local advantages of which I had no means of estimating, and which I believe are as yet imperfectly known."

From the foregoing quotations it is plainly evident that the negotiators of the Convention—one and all—were ignorant of inland Alaska topography, and were alive to their ignorance.

In the Appendix will be found copies from two distinct charts of Vancouver's Atlas. These are so placed as to facilitate comparison.

The coast lines exactly corresponded:—the conventional mountain markings on the mainland do not correspond. What has been misread as the representation of a mountain range at, roughly speaking, 10 marine leagues inland, appears in one of the charts, but not in the other. The coast-line mountains appear in both. In neither is the inland mountain delineation such as to suggest that it was the result of detailed observation. The perspective views of the mountain scenery given in Vancouver's Atlas serve to interpret the conventional signs by which the general features are indicated. The text of his history throws further light on the subject.

Markings such as are given on Vancouver's charts along the coast of Alaska may also be seen on charts Nos. 3, 15, 16 and 17 of the Atlas of La Perouse's voyage—which preceded Vancouver's; and, on the charts of other authorities on the Pacific Coast of North America, prior to Vancouver, will be found the "caterpillar" class of delineations attributed by Mr. Bayard to the poor topographic skill of Vancouver.

The weight given to Vancouver's inland mountain topography, by the Russian authorities, may be very accurately estimated by a comparison of their charts of 1826 and 1802 with any corresponding one of Vancouver's.

But, to return to the course of the boundary line:—

When the two extremities of the section of the boundary between Portland Channel and 56° N. lat. are found, they should be connected by the arc of a great circle.

The marking of such a line will probably be found to present less difficulties than would the marking of any other line defined without reference to previously verified topographical details.

In a clear country an arc of a great circle is, of course, the simplest of all to mark out, since it lies wholly within a vertical plane. It is, in fact, what in popular language would be described as a straight line were it marked out by poles.

Commencing at the highest point of the parallel of 56° N. lat. in its course over the mountain nearest to the main coast line, the boundary is to run northward along the line of mountain tops nearest to the ocean, provided these be not more than 10 marine leagues from the ocean; where the non-existence of mountains may render the line indeterminate, it is to conform to the windings of the general coast line, but is never to exceed 10 marine leagues from the ocean.

It will be convenient here to quote the exact words of the Convention, of which it is submitted that the foregoing is a correct interpretation:—"la dite ligne remontera "au nord * * * jusqu'au point de la terre ferme où elle atteint le 56^{me} degré "de latitude Nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte jusqu'au point d'intersection du 141^{me} degré de "longitude ouest * * * *"

"Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent; * * * 2° Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56^{me} degré de latitude nord au point d'intersection du 141^{me} degré de longitude ouest, se trouverait à la distance de plus de dix lieues marines de l'océan, la limite entre les possessions Britanniques, et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de dix lieues marines."

In these extracts from the Convention, the words "la crête des montagnes situées "parallèlement à la côte" are understood to refer to the *tops of the mountains next to the sea*, between 56° N. lat. and the intersection of the boundary with the meridian of 141° W. long.

The foundation for this interpretation is based upon the language of the Convention itself, and upon the remarks of the negotiators as to the object they had in view when drawing up the Convention.

On the 16th February, 1824, at the first Conference of the Plenipotentiaries, Sir Charles Bagot proposed a boundary line passing through Chatham Straits to the head of Lynn Canal, thence N.W. to 140° W. long, &c.

The Russians replied verbally by proposing at first the parallel of lat. 55°, but subsequently in writing modified their suggestion and desired a line from the south of Prince of Wales Island up Portland Channel as far as the mountains bordering the coast, thence along these mountains to 139° W. long.

This proposal is the first occasion of reference to mountains along the coast, and several of the expressions in which it is couched were subsequently embodied in the Convention ultimately arrived at.

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"Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte. De ce point la limite remonterait le long de ces montagnes parallèlement aux sinuosités de la côte, jusqu'à la longitude du 139^{me} méridien de Londres, degré dont la ligne de prolongation vers le Nord formerait la limite litérieure entre les Possessions Russes et Anglaises au Nord, comme à l'Est."

It is to be noted then that the Russians were the first to propose the mountain boundary line, and described the mountains to which they referred as those next the sea (qui bordent la côte).

In making a rejoinder Sir Charles Bagot, as already mentioned, commenced by recapitulating what he understood the Russian amended proposal to be, and referred to it as requiring that the line should pass from the head of the Portland Canal, "jusqu'aux montagnes qui bordent la côte, et de là, le long de ces montagnes jusqu'à la longitude du 139^{me} degré."

Sir Charles then suggested that the following should be the line:—

A west and east line through the channel along the north of Prince of Wales and Duke of York's islands to the mainland, approximately at the mouth of the Stikkeen River, and "de là se prolongeant dans la même direction sur la terre ferme jusqu'à un point distant de la côte de dix lieues marines, la ligne remonterait de ce point vers le Nord ouest, parallèlement aux sinuosités de la côte, et toujours à la distance de dix lieues marines de rivage jusqu'au 140^{me} degré de longitude, dont elle suivrait alors le prolongement jusqu'à la mer glaciale."

Here the British Plenipotentiary proposes to diminish the southing of territory desired by Russia, but to increase its breadth. The Russians had proposed a line marked by mountains along the windings of the coast (parallèlement aux sinuosités de la côte).

Sir Charles Bagot replies by suggesting a broader strip of territory, but not extending further to the south than about 56° 31' N. lat., limited by an eastern boundary following the windings of the coast, and always at 10 marine leagues from it.

Both parties have now adopted in the same sense the words "parallèlement à la côte." The Russians applied them to a line along mountains, and therefore necessarily irregular in direction. The British Plenipotentiary borrowing the words and their meaning applied them to a line commencing at 10 marine leagues inland without regard to mountains, but added "et toujours à la distance de dix lieues marines du rivage," thus pointedly indicating that he understood the borrowed words "parallèlement à la côte," merely in the sense of "along or in the general direction of the coast line," that is, in the sense in which they had been used by the Russian Plenipotentiaries.

When answering the last proposals by the British, the Russians speak of the mountain boundary suggested by them as "la chaîne de montagnes qui suit à une très petite distance les sinuosités de la côte."

The British Plenipotentiary, while yielding in some measure in regard to insular territory, adhered to the continental line last proposed by him.

The Russian Plenipotentiaries then reverted to their original Projet, and thereupon the conferences ceased while references were being made to the British Government by both Sir Charles Bagot and the Russian Government.

In Sir Charles Bagot's Despatch of 17-29 March, 1854, to Mr. Canning, will be found a full account of the negotiations up to that date.

The points in dispute were communicated by Count de Nesselrode to the Russian Ambassador in London, with instructions for his guidance in submitting the case to the British Government.

Count de Nesselrode, in his Despatch dated 5th April 1824, writes of the extent of territory on the coast desired by Russia in the following terms:—"Nous bornons nos demandes à celle d'une simple lisière du continent" * * * "elle (la Russie) se réserve uniquement un point d'appui."

This Despatch was communicated to Mr. Canning, who consulted with the Hudson's Bay Company on the subject. The Governor of the Company in replying remarked on the 19th April, 1824:—"They," the Company, "beg me, however, to suggest the expediency of some more definite demarcation on the coast than the supposed chain of mountains contiguous to it, and they conceive there can be no difficulty in arranging this point, from the expression in the proposition of the Russian negotiators 'la chaîne des montagnes, qui sont à une très petite distance des sinuosités de la cô.' Neither party have any very accurate geographical information with respect to the country in the immediate neighbourhood of the sea, and if the intentions of the Russians are fairly to be inferred from the words used in their proposal, the most satisfactory manner of settling this point probably would be by

"inserting in any Article providing for the boundary on the mainland, 'the nearest chain of mountains not exceeding a few leagues of the coast.'"

On the 29th May, 1824, Mr. Canning, alluding to Count de Neaseirode's Despatch to the Russian Ambassador, informed Count de Lieven that he intended to send to Sir Charles Bagot further instructions, which he hoped would meet the views of the Russian Court, and remarked "Sir Charles Bagot's discretion will be so far enlarged as to enable him to admit, with certain qualifications, the terms last proposed by the Russian Government."

"The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias, in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned to Russia may comprehend."

On the same day Mr. Canning informed Sir Charles Bagot of his correspondence with Count de Lieven, and transmitted copies to him.

On the 29th June, 1824, Mr. Canning told Sir Charles Bagot of his intention to furnish him with a draft Convention.

On the 12th July the draft was sent with instructions.

Before despatch to Sir Charles Bagot the draft Convention was submitted to the Russian Ambassador, who subsequently, on the 24th July, 1824, remarked as follows:—
"Le Projet de Convention rédigé par le Cabinet Anglais fait courir la limite des Possessions Russes et Anglaises sur la côte Nord-ouest d'Amérique au sud du Mont Elie, le long de la base des montagnes qui suivent les sinuosités de cette côte."

"Il est à observer qu'en thèse générale, lorsqu'une chaîne de montagnes sert à fixer une limite quelconque, c'est toujours la cime de ces montagnes qui forme la ligne de démarcation. Dans le cas dont il s'agit ici, le mot de base par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne paraît guère propre à mettre la délimitation à l'abri de toutes contestations ultérieures, car il ne serait point impossible, vu le peu de certitude des notions géographiques que l'on possède encore sur ces parages, que les montagnes désignées pour limite, s'étendissent par une pente insensible jusqu'aux bords mêmes de la côte."

It will thus be seen that not merely did the British negotiators stipulate for a boundary along the mountains which are next the sea, but they were plainly and thoroughly understood in this sense by the Russian negotiators.

In the instruction accompanying the draft Projet sent to Sir Charles Bagot, on the 12th July, 1824, Mr. Canning says:—"His Majesty's Government have resolved to authorize your Excellency to take as the line of demarcation a line * * * * * following the sinuities of the coast along the base of the mountains nearest the sea to Mount Elias and thence * * * * *"

"I enclose the draft of a Projet of Convention founded upon these principles, which your Excellency is authorized to sign previously to your quitting St. Petersburg."

"There are two points which are left to be settled by your Excellency, 1st, in fixing the course of the eastern boundary of the strip of land to be occupied by Russia on the coast. The seaward base of the mountains is assumed as that limit. But we have experience that other mountains on the other side of the American continent, which have been assumed in former Treaties as lines of boundary, are incorrectly laid down in the maps, and this inaccuracy has given rise to very troublesome discussions. It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast as far as Mount St. Elias is not carried too far inland. This is done by a proviso that that line shall in no case (i.e., not in that of the mountains which appear by the map almost to border the coast, turning out to be far removed from it) be carried further to the east than a specified number of leagues from the sea. The utmost extent which Her Majesty's Government would be disposed to concede would be a distance of 10 leagues. But it would be desirable if your Excellency were enabled to obtain a still more narrow limitation."

"2ndly * * * * *

In this quotation again occurs the word "parallel" applied in the wide sense of "general direction."

At the date of writing the Despatch above quoted Mr. Canning had not received Count de Lieven's note on the adoption of a mountain base line, but he received it on the 24th July, 1824, and on the same day transmitted a copy of it to Sir Charles Bagot, remarking:—"Your Excellency will observe that there are but two points which have struck Count Lieven as susceptible of any question: the first, the assumption of the base of the mountains instead of the summit as the line of boundary; the second,

"the extension of the right of the navigation of the Pacifick to the sea beyond Behrings Straits."

"As to the first, no great inconvenience can arise from your Excellency (if pressed for that alteration) consenting to substitute the *summit* of the mountains instead of the seaward base, provided always that the stipulation as to the extreme distance from the coast to which the *lisière* is in any case to run, be adopted (which distance I have to repeat to your Excellency should be made as short as possible) and provided a stipulation be added that no forts shall be established or fortifications erected by either party on the summit or in the passes of the mountains."

Here it should be noted that Mr. Canning in speaking of a *summit* line instead of a *base* line plainly refers to one and the same set of mountains, viz., the mountains next the sea. He assented to the line being drawn over these mountains and not over others which might be beyond them.

For reasons, one of which referred to the mountain boundary line, the draft Convention did not prove acceptable to the Russian Court, who submitted a contre-Projet, and on the 13th September, 1824, Mr. Canning remarked to Count de Lieven:—"This refusal," viz., to conclude the Treaty, "is the more unexpected as the chief alterations made in the original Projet were introduced here (as your Excellency can bear witness) at the suggestion of the Russian Plenipotentiaries themselves. I have not yet had time to give sufficient consideration to the contre-Projet now presented on the part of those Plenipotentiaries to be enabled to say positively whether it can be accepted in all its parts." Mr. Canning concludes by desiring that the negotiations may be continued in London instead of at St. Petersburg.

Mr. Canning then referred to the Russian contre-Projet to the Hudson's Bay Company, of which the Governor, in replying, said, "it does not appear to me that the counter-Projet of Russia is so essentially different from the one which His Majesty's Ministers have considered it advisable to propose to Russia, as far as the Hudson's Bay Company are concerned, to reject it except in the 2nd Art., which should more accurately define the eastern boundary from the Portland Canal to 61° of north latitude to be the chain of mountains at a 'très petite distance de la côte,' but that if the summit of those mountains exceed ten leagues that the distance be substituted instead of the mountains."

The proposal to continue the negotiations in London instead of at St. Petersburg was not carried into effect. Sir Stratford Canning was instructed to undertake the duty of British Plenipotentiary instead of Sir Charles Bagot, who had left St. Petersburg.

Sir Stratford was fully informed of all previous proceedings, and was furnished with a copy of the last Russian contre-Projet.

In his instructions to Sir Stratford, Mr. Canning remarks on that contre-Projet, and says:—"The Russian Plenipotentiaries propose to withdraw entirely the limit of the *lisière* on the coast which they were themselves the first to propose, viz., the summit of the mountains which run parallel to the coast, and which appear, according to the map, to follow all its sinuosities, and to substitute generally that which we only suggested as a correction of their first proposition."

"We cannot agree to this change. It is quite obvious that the boundary of mountains where they exist is the most natural and effectual boundary. The inconvenience against which we wished to guard was, that which you know and can thoroughly explain to the Russian Plenipotentiaries to have existed on the other side of the American continent, when mountains laid down in a map as in a certain given position and assumed in faith of the accuracy of that map as a boundary between the possessions of England and the United States turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussion. Should the maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of territory where we only intended to give, and they intended to ask, a strip of sea coast."

"To avoid the chance of this inconvenience we proposed to qualify the general proposition 'that the mountains should be the boundary' with the condition 'if these mountains should not be found to extend beyond 10 leagues from the coast.' The Russian Plenipotentiaries now propose to take the distance invariably as the rule. But we cannot consent to this change. The mountains, as I have said, are a more eligible boundary than any imaginary line of demarcation, and this being their own original proposition the Russian Plenipotentiaries cannot reasonably refuse to adhere to it."

"Where the mountains are the boundary, we are content to take the summit instead of the 'seaward base' as the line of demarcation."

"A Projet, such as will stand according to the observations of this Despatch, is enclosed, which you will understand as a guide for the drawing up of the Convention,

"but not as prescribing the precise form of words, nor fettering your discretion as to any alterations not varying from the substance of these instructions."

"It remains only in recapitulation to remind you of the origin and principles of this whole negotiation. It is *not* on our part essentially a negotiation about limits."

"It is the demand of the repeal of an offensive and unjustifiable arrogation" of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner, in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia."

"We negotiate about territory to cover the remonstrance upon principle."

"But any attempt to take undue advantage of this voluntary facility we must oppose."

"If the present *Projet* is agreeable to Russia, we are ready to conclude and sign the Treaty."

"If the territorial arrangements are not satisfactory we are ready to postpone them, and to conclude and sign the essential part, that which relates to navigation alone, adding an Article stipulating to negotiate about territorial limits hereafter."

"But we are not prepared to defer any longer the settlement of that essential part of the question, and if Russia will neither sign the whole Convention, nor that essential part of it, she must not take it amiss that we resort to some mode of recording in the face of the world our protest against the pretensions of the Ukase of 1821, and effectually securing our interests against the possibility of its future operations."

From the foregoing extracts it will be seen that Sir Stratford Canning had no option left to him with regard to the terms upon which he was to agree to the continental boundary line; and that the terms were, in so far as the mountain line is concerned, identical with those contained in the last instructions to Sir Charles Bagot, with the sole exception that Sir Stratford Canning was now directed to require "a small extension" of the line of demarcation, from the point where the *lisière* on the coast terminates in latitude 59°, to the northward. The extension required being "from 139° to 141° W. long."

This point had been signified to Count de Lieven, but Mr. Canning had omitted to mention it to Sir Charles Bagot. Reference is first made to it when Mr. Canning assented to the line passing up Portland Channel.

It follows that what has been said as to the sense in which phrases were used while Sir Charles Bagot was British Plenipotentiary applies with equal force to their use while Sir Stratford Canning was acting.

The same mountains—those next the sea—are referred to throughout; the same probability of the distance of the mountains from the coast being found to vary considerably is expressed, and the same general parallelism is implied by the words "parallel to the coast" and "*parallèlement à la côte*."

Sir Stratford Canning arrived at St. Petersburg on the 17-29 January, 1825, and on Jan. 28, 1825, reported having re-opened negotiations with the Russian Plenipotentiaries, and on February 1-13, 1825, mentions having read Mr. Canning's last *Projet* to the Russian Plenipotentiaries.

Sixteen days subsequently—Feb. 17, 1825—he reports having concluded and signed the Convention on the previous night, and mentions the points in which the Convention varies from the *Projet* as originally submitted by him; stating—

"The line of demarcation along the strip of land on the north-west coast of America assigned to Russia, is laid down in the Convention agreeably to your directions, notwithstanding some difficulties raised on this point as well as regards the order of the Articles by the Russian Plenipotentiaries."

In this passage there is the most direct evidence of the construction to be put upon the provisions of Articles 3 and 4 of the Convention with regard to the mountain boundary line.

The line agreed upon was the one described by Mr. Canning, whose meaning had been fully and clearly explained, and was perfectly understood by the Russians.

So well did the Russians understand what the British proposal was, that they pointed out the mountains' base line might be found to coincide with the coast line itself; and foreseeing difficulty in determining a base line—but only on this account—suggested that the *tops* of the mountains instead of their *seaward bottoms* should be accepted as regulating the boundary. In the 4th Article of the Convention—the Russian coast territory between Portland Channel and 141° W. long., is described as "*la lisière de côte*," i.e., "*the marginal strip of coast*."

*Contained in the Ukase of 1821.—D.R.C.

Mr. Canning in acknowledging on 2nd April, 1825, the receipt of the signed Convention informs Sir Stratford of His Majesty's particular satisfaction at the conclusion of the Treaty in a manner so exactly conformable to the instructions given him.

Passing next to the expression "la côte" occurring in the 2nd and 3rd Articles of the Convention, it can easily be shown that the general coast line of the continent, exclusive of inlets, creeks, and similar narrow waterways, is the sense in which the words are used.

In their reply to Sir Charles Bagot's second proposal, the Russian Plenipotentiaries, in summing up the effect of their suggestion in respect to British interests, speak of the extent of coast line and of territory left to British occupation; and say—

1° Toute la partie de la côte située entre l'embouchure du Portland Channel et le 1^{er} degré latitude nord, envisagé comme limites des Possessions Russes dans l'Oukaz de 4-16 Sept. 1821.

2° Tout le territoire situé entre les établissements Anglais au 54^{me} et l'origine du Portland Channel qui est au 56^{me} parallèle.

3° Tout le territoire situé derrière la chaîne de montagnes * * *

In these sentences it is apparent that the Russian Plenipotentiaries used the word *côte* as not embracing the shore lines of Observatory Inlet and of Portland Canal, nor of the extensive inlets upon which is marked by Arrowsmith the English trading post Fort M'Laughlin, approximately in latitude 52½° N.

Sir Charles Bagot when reporting to Mr. Canning the check which happened in the negotiations, spoke of his proposal "being coupled with the concession of a line of coast extending ten marine leagues into the interior of the continent." This can hardly be understood to mean a breadth of ten marine leagues measured eastward from head of the inlets.

Mr. Canning, when enlarging the discretion of Sir Charles Bagot, wrote, "It is therefore necessary that some other security should be taken, that the line of demarcation to be drawn parallel with the coast as far as Mount St. Elias is not carried too far inland.

"This is done by a proviso that that line shall in no case (*i.e.*, not in that of the mountains which appear by the map almost to border the coast, turning out to be far removed from it) be carried further to the east than a specific number of leagues from the sea. The utmost extent which His Majesty's Government would be disposed to concede would be a distance of ten leagues."

This language is inconsistent with the supposition that the coast line was considered by Mr. Canning to extend to the heads of inlets. He did not contemplate the extension of the *lisière's* breadth in dependence upon the undefined lengths of inlets.

Count de Nesselrode speaks of Portland Canal as being within the ocean boundary of the continent. When instructing Count de Lieven as to the points to be referred to the British Government, Count de Nesselrode says:—"Nous proposons de porter la frontière méridionale de nos domaines au 54° 40' de latitude, et de la faire aboutir sur le continent au Portland Canal, dont l'embouchure dans l'océan est à la hauteur de l'île du Prince de Galles et l'origine dans les terres entre le 55° et 56° de latitude."

Thus the Count regarded and spoke of the mouth of Portland Canal as a point on the continental coast, but alluded to the Canal itself as being within the continent.

Sir Charles Bagot had stated the belief that between 54° 45' and 56° N. lat. there was direct communication by inlets with British trading posts. The Russians replied by admitting the existence of British posts at 53° and 54° N. latitude near the coast, but submitted Sir Charles could not point to any British establishment actually on the ocean coast line.

The reference is understood to be to Millbank Sound, the position marked on Arrowsmith's map as Fort M'Laughlin, on an inlet.

Sir Charles Bagot rejoined by declaring that there existed a British post "même près de la côte au nord du 55^{me} degré." This probably referred to either a trading post at Nasse harbour* within Observatory Inlet or at the mouth of the Stickien.

But to whatever particular station allusion was made the argument was of the following kind. The British asserted that the continental coast line should belong to the Power which had settlements on it. The Russians admitted the principle, but denied that British posts on inlets could be held to be on the coast.

In maintaining their views the Russians subsequently asserted "Qu'au reste, d'après le témoignage des cartes les plus récentes, publiées en Angleterre il n'existe

* The Hudson's Bay Company who, in 1831, erected buildings for their trade at Nasse harbour, styled the post "Fort Simpson", until its abandonment in 1835, and its replacement by the present Fort Simpson.—See Appendix 28, p. 53, in which a British trade establishment at latitude 57° N. is mentioned by the Governor of the Hudson's Bay Company, and Maps 7, 9, and 10.—D.R.C.

"aucun établissement Anglais ni sur la côte même du Continent, ni au Nord du 54° degré de latitude septentrionale."

Similarly Count de Nesselrode, in writing to Count de Lieven, repeats the argument:—"On ne peut effectivement assez le répéter, d'après le témoignage des cartes les plus récentes, l'Angleterre ne possède aucun établissement, ni à la hauteur du Portland Canal, ni à bord même de l'Océan."

The preceding passages show that during the negotiations the shores of inlets were not included in the meaning intended to be conveyed by the words "la côte." This is perfectly in accord with the wording of the Treaty itself.

In the 2nd clause of the 4th Article provision is made for the case of the mountains being found at more than 10 marine leagues inland, and it is there laid down that the measurement shall be made, not from inlets, but from the ocean.

The Convention stipulates, "Que partout où la crête des montagnes, qui s'étendent dans une direction parallèle à la côte * * * se trouverait à la distance de plus de dix lieues marines de l'océan * * * la limite * * * sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de dix lieues marines."

The word *océan* is wholly inapplicable to inlets. Consequently the line, whether marked by mountains or only by a survey line, has to be drawn without reference to inlets.

Had it not been so clearly provided against by express stipulation in the 2nd clause of the 4th Article of the Convention, and by the accepted principles of international law, it might, in the case of the absence of mountains, be argued that the breadth of the *lisière* should be measured from the sea water's edge wherever—in inlet or elsewhere—it outlined the continent. And that this being the coast line where mountains exist within 10 leagues, is equally the coast line whence to determine the mountains nearest to the coast.

But, as said above, inlets in either alternative—the occurrence or non-occurrence of mountains within 10 leagues,—are not part of the coast line determining the boundary.

None of the inlets between Portland Channel and the Meridian of 141° W. long. are six miles in width, excepting, perhaps, a short part of Lynn Canal. Consequently, with that possible exception, the width of territory—on the coast assigned under the Convention to Russia,—may not be measured from any point within the mouths of the inlets. All the waters within the mouths of the inlets are as much territorial waters, according to an universally admitted international law, as those of fresh-water lake or stream would be under analogous circumstances.

The question of the water being salt or fresh is not one in any way affecting the argument.

As far as non-mountainous country may extend—but within ten marine leagues of the ocean—the inlets are in fact included by the Convention within *la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie.*"

On the other hand so much of these inlets as happen to be in mountainous territory, or beyond 10 marine leagues from the ocean, together with the dry land about them, is assigned to Great Britain as much as are rivers and lakes in the same regions.

Nothing short of an express stipulation to the contrary effect would, it is conceived, serve to maintain the proposition that inland waters in the *lisière de côte* assigned to Russia were not part and parcel of that *lisière*.

But if they were really part and parcel of the *lisière* itself, their mere existence cannot possibly be a reasonable foundation for arguing that they involve an increase of the breadth of the *lisière* of which they are component parts.

The limits of the *lisière* are, by the Convention, expressly dependent on the relative positions of ocean line and neighbouring mountain line. There is not the faintest suggestion throughout the negotiations of any intention to refer the breadth of the *lisière* to any other standards, and the only reference to inlets in the Convention (Art. VII.) is in a form almost directly declaratory of assent to the doctrine of territorial authority over them.

If the sovereignty over inlets does not pass in accordance with the doctrine that they are part and parcel of the surrounding territory, there was no occasion for the reciprocal concession made in the VII. Article of a right to navigate these inlets.

Regarded from this point of view rivers and inlets are identical.

As reasonable then would it be to hold that under the Convention the breadth of the *lisière* assigned to Russia is determined by the head waters of its rivers, as that the head waters of its creeks and inlets regulate the breadth.

From the point where the eastern limit of the *lisière* attains 141° W. long., the boundary line follows the meridian to the Arctic Ocean. There is no room for difference of opinion as to the intention of the Convention in respect of this section of the line.

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PROBABLE COST OF MARKING THE BRITISH ALASKAN BOUNDARY.

No international agreement has yet been arrived at with regard to the interpretation of the terms of the Convention defining the British Alaskan boundary.

Under these circumstances no reliable estimate of the cost of effecting the demarcation can be formed.

In 1874-5, when it was anticipated that the demarcation was about to be effected, detailed estimates of the cost were prepared for Her Majesty's Government and for the Government of the United States. Those estimates, of which there were several, varied widely, for they were based on the assumption of there being alternative methods, one or other of which might have been selected as that to be acted upon.

Excluding the consideration of a line to be determined under fresh conditions to be agreed upon between the two countries now concerned, the lowest estimate submitted was one providing for the marking of a very few points on the boundary, suggested by the United States Government.

The highest estimates provided for the location of the line on the supposition that a large part of it would traverse an exceptionally mountainous region, between the parallel of 56° N. latitude and Mount St. Elias, parallel, in an approximately mathematical sense, to the windings of the coast, including in those windings the intricate outlines of all inlets, &c.

An examination of the records of the negotiations which resulted in the treaty defining the boundary, has served to show that the extreme difficulties upon which the larger estimates were based, have not to be met. At the same time it becomes apparent that the adoption of the temporary expedient of marking a few points, regarded at present as prominent, under natural but erroneous views of the terms of the treaty, is not one which it is desirable to follow.

The incomplete marking of a boundary is largely open to the well-founded objections to which total absence of marking is open.

It has been asserted that the boundary runs at places through valuable mineral regions.

In such a country partial demarcation may be even more dangerous internationally than no marking at all, for from partial marking opposing interests would inevitably draw arguments to justify occupation, and to support pretensions at spots where marking happened to be absent.

The objection to partial demarcation, because inefficient for the object aimed at, is enhanced by consideration of cost.

Interrupted procedure involves repeated outfit and organization, and these entail heavy additional expenditure.

The cost of demarcation of the line, if located as indicated in this Report, would approximately amount to 300,000*l.* (= \$1,500,000) on the British side; and would entail five years' field work.

In the absence of a definite decision as to the principle upon which the Convention is to be interpreted, it would be quite useless to enter here into a detailed examination of the probable cost of completing the work.

The sum now arrived at, it may be stated, is based upon the following data and considerations:

1st. That before the work is undertaken there shall be a thorough understanding between the two Governments—British and United States—as to the interpretation of the terms of the Convention.

2nd. That the Commissioners entrusted with the execution of the work should, before going into the field,—confer and arrive at agreement as to the details for giving effect to the decisions of their Governments.

3rd. That on the British side the organization of the expedition shall be practically such as was detailed in the estimate submitted in 1875 for marking the line according to the United States suggestion for determining only a few points, but making allowance for the work taking more time, and for the sum apportioned to mules, forage, and civilians being available for steam water-transport, boats, and crews, to the extent that it may be found desirable to thus apply it.

By the arguments presented in this Report it would appear that, consistently with the terms of the treaty with Russia, the line does not run through the interior of the mountainous region between Portland Channel and Mount St. Elias, but skirts it on the seaward side; and consequently that for this portion of the boundary the location of the line may be approached at all points to within a few miles by water.

On the other hand, there may be entailed hitherto unforeseen hydrographic survey between Prince of Wales' Island and the north-eastward part of Pearce Island, and possibly in the neighbourhood of Lynn Canal.

REMARKS on the VIEWS of the UNITED STATES GOVERNMENT as expressed in the INSTRUCTIONS of Mr. SECRETARY BAYARD to Mr. PHELPS, UNITED STATES MINISTER, of 20th November, 1885, and the LETTER of Mr. PHELPS to the MARQUIS of SALISBURY of 19th JANUARY, 1886.

Mr. Phelps' letter encloses a copy of Mr. Bayard's instructions; and, essentially, is limited to a repetition of some of Mr. Bayard's remarks.

These commence by stating that the British Alaskan water boundary, although not a subject of doubt to the United States Government, has been misunderstood in other quarters, and that the land supposed to follow a mountain range is impracticable of survey, if not geographically impossible.

Mr. Bayard then proceeds to note that it may fairly be assumed that the negotiators based a theoretical boundary on what they believed to be a substantially correct representation of geographical features on charts before them; and he subsequently adds that it may be assumed with confidence that the charts employed in the negotiation were those of Vancouver.

Passing over such points in Mr. Bayard's instructions as do not appear to be concerned in supporting the views he expresses, it may be noted with regard to his remarks that "the inland boundary is supposed to follow a mountain range," the statement may not be left without comment.

When mountains are mentioned as a boundary, without any understanding or explanation, it is generally assumed that the general watershed line of the mountains is that intended; and this acceptance is based upon the circumstance that a watershed is the only well defined line on a mountain,—and of the many that may exist in a range of mountains, the principal is the only one common to all the region embraced.

If Mr. Bayard refers to a *mountain range* as regulating the Alaskan boundary in the foregoing sense, he cannot have known of the discussions which passed between the negotiators, nor sufficiently considered the wording of the Convention.

The treaty describes the line as marked by the crest of mountains situated along the coast. Why this reference of the mountains to the coast? If a line having mountains intervening between it and the coast had been intended, would it be reasonable to refer it to the coast, and to give no other indication of its location. The general watershed line could not have been meant, for that, by the flow of rivers, was known to all to be far inland. The passage is surely most simply interpreted as equivalent to saying that the line is marked by the tops of the mountains next the coast. And this is in fact an exact condensation of the terms in which the British negotiators explained the meaning of the sentence to the Russian authorities, and it was so understood by the Russians.

The French text does not speak of the line as being marked out by *une chaîne de montagnes située parallèlement à la côte* (a mountain range along the coast); but it individualises and specifies the mountains describing the line as following *la crête des montagnes situées parallèlement à la côte*, that is following the line of the tops of the mountains next the coast.

As previously explained there was a discussion between the British and Russians whether the line should be along the seaward base of the mountains or over their tops, and the Russian Minister pointed out the difficulty in locating a base line referring at the same time to the precedents afforded by treaty practice for selecting the top line instead of the bottom line; but he offered no argument in favour of a general mountain range watershed line; and no such argument would have been apposite, for the only advantage of a general watershed line is facility in determining its location. But this advantage was already attained in a higher degree by the coast line mountains being selected, for their location was really far easier to identify than that of general watershed mountains.

Mr. Bayard attributes what he conceives to be errors on the part of the negotiators of the Convention, to inaccuracy in Vancouver's charts, yet so far as these charts bear upon the water boundary question they are still indisputably correct; but, as regards the topography along the land boundary they never professed to be correct, and the negotiators of the treaty fully appreciated their unreliability in this respect.

There is no point touched by the Convention, in connexion with the water boundary, which is not thoroughly intelligible from Vancouver's charts, nor any point which has had additional light thrown upon it by subsequent explorations.

Two Russian charts, one of 1802 and another of 1822, are known to have been consulted by the British negotiators; further, it is known that Arrowsmith's maps of that date were consulted by the Russians, for they refer to the location of the posts of the Hudson's Bay Company which were to be found only on Arrowsmith's maps, and they allude—in records of the negotiations, to these data as given by the most recent

and reliable English maps; a remark which could only apply to the work of Arrow-smith. He was the most esteemed British geographer at the time. He was hydrographer to H. R. H. the Prince of Wales and geographer to the Hudson's Bay Company. But his maps of the Alaskan coast line, as all others, including Russian and United States, of the same region at that date were based upon Vancouver's charts.

Vancouver's charts may thus be accepted as having guided the negotiators in their definition of the water boundary; but cannot be accepted as having determined their description of the land boundary in any other sense than that where the name Portland Channel occurs it is due to Vancouver. On the other hand it is certain that the belief of the negotiators that Vancouver's inland topography was not reliable led to their defining a line which might have as well been described had the map before them presented only the sea line—on an otherwise blank sheet—from Portland Inlet to Mt. St. Elias and thence to the Arctic Ocean. Both the British and Russian negotiating authorities recorded their sense of the necessity of describing such a line as should be independent of the location given to inland features on the maps before them.

Nevertheless it is a fact that the negotiators noted on Vancouver's, or on some other* map—it matters not by whom made—what they interpreted to imply a mountain range closely bordering on the coast.

Vancouver's charts show such indications; in one case closely following the water line, in another at some leagues inland. Chart VII. shows both ranges. Chart XII. shows only a single range.

The United States photographic copy of Chart VI. has not reproduced the shore line range with as much force as they appear in the original, while the inland range, more decided for graphical effect, is in consequence of its bordering blank paper still further intensified by comparison, and has naturally been selected by Mr. Bayard as illustrating the text of the Convention. But irrespective of the actual existence of either of the ranges supposed to have been imaged in Vancouver's charts and noting only the water line range, it may be asked in what respect the delineation of the water line range fails to illustrate the text of the Convention with as much verisimilitude as the remoter range?

Mr. Canning describes the map topography as representing mountains almost bordering the coast, and the Russians wrote of the mountains as those *qui bordent la côte*, and also as likely to be found sloping into the sea itself! Is the inland chain or is the coast line chain the more likely to have been the subject of these remarks?

It would be unnecessary to offer an explanation of the inland details noted on Vancouver's published charts were it not that attention has been directed to their supposed inaccuracy in order to strengthen an erroneous interpretation of the Convention.

Any one familiar with map making and map reading will at once recognize Vancouver's indications of mainland mountain topography as mere conventional signs in use for many years and arranged for pictorial effect, to represent unsurveyed supposed mountainous regions. Any one possessed of Vancouver's Atlas must have noted on its pages undoubtedly careful perspective views of the mountains bordering on the water line, and these pictures must carry conviction to an observer's mind that Vancouver could not possibly have seen from his boats the range which it is erroneously alleged he intended to depict as existing many leagues inland.

Moreover the history of Vancouver's explorations for the illustration of, and in connection with which the Atlas was published, leaves no room for doubt that none of Vancouver's expedition penetrated inland on the Alaskan coast beyond a distance of being within call of their boats on the beach.

In reporting the completion of his coast survey Vancouver writes:—

"I am at length able to inform you of our having finally traced and determined the continental boundary of North-west America from the latitude of 24° 54' north and longitude 244° 33' east; northwestward through all its various turnings and windings so far as its different inlets have been found safely navigable for our boats, to Cape Douglas." And in allusion to the principal object of his expedition, the discovery of a navigable passage between the Pacific and Atlantic, he continues to say:—"During the investigation we have never been able to penetrate beyond the barrier of the lofty mountains which, covered with eternal snow, extend nearly in a connected chain along the western border of the continent, I believe, to its utmost limits."

Many times too in his history Vancouver refers to lofty mountains sloping abruptly and precipitately into the sea itself on the Alaskan water line.

The mountains enclosing Portland Channel are now known to attain 2,000 3,000 and 4,000 feet in height, and their neighbours beyond even 6,000 feet.

*See the Russian map of 1802, No. 4, and of 1826, No. 5, and Appendix Nos. 7 and 8, p. 34 and 29 p. 55.—D.R.C.

So precipitous are these and so close to the water that Vancouver's party was driven by the rising tide from his camp to his boats; and Commander Pender's party had a like experience in recent years.

Such is the character of the features, conventionally recorded by Vancouver's water edge marking and involved configuration inland.

Such is the general character of the country which it is alleged proved Vancouver to be but a poor topographer, Vancouver, whose chief duty was to map the coast line, and upon whose work many of the most reliable maps of the present day are largely based, and for many details are even wholly dependent. A poor topographer, because he did not accurately delineate the inland features of a country through which, in supporting another point in his contention, Mr. Bayard alleges it would be impracticable to survey a single frontier line!

Whatever errors may have been committed in reading Vancouver's charts are certainly not attributable to him; and, as has been remarked, with regard to the inland frontier the negotiators, whatever may have been the opinion they formed of Vancouver's intention, guarded against being led into error by depending upon his details.

Mr. Bayard makes the qualified admission that Vancouver may have at one time regarded the Pearse Canal of later geographers as the lower part of Portland Canal.

The fact that he did so is however clearly on record in his history. He describes Portland Canal in detail from its head to its junction with the ocean, and distinguishes it from the entrance to Observatory Inlet, and did not subsequently modify his view.

The southern and northern points of the entrance now called Portland Inlet, he named Point Maskelyne and Point Wales, and gives the latitude of the southern point.

He also gives the latitude of a point of land at the entrance to Portland Channel or Canal.

Alluding to these two passages Mr. Bayard contends that a boundary line deflecting "to the northward from the broad waters of Dixon Entrance and passing through a narrow and intricate channel lying north-westward from Portland Inlet, known as the United States Coast Chart of 1885 as Pearse Channel until it suddenly deflects southward again at right angles to re-enter Portland Inlet, thereby appearing to make British territory of Pearse and WALES ISLANDS, and throwing doubt on the nationality of several small islands at the south-western extremity of WALES ISLAND is in manifest contradiction with the treaties, which provided that the island called PRINCE OF WALES ISLAND shall belong wholly to Russia."

The contention apparently depends upon the relation of the suggested line to Wales Island, and on the assumption that Wales Island and Prince of Wales Island are one and the same.

But Wales Island, so called about 1853 from Wales Point which was named by Vancouver, is between the mouths of Portland Channel and Observatory Inlet, and 40 miles to the east of Prince of Wales Island; nor in the Convention is there any reference whatever to Wales Island.

In the description given above by Mr. Bayard of a line suggested by some one, it is not quite clear to what particular channel north-westward from Portland Inlet he refers. There are several channels, and there is some indication in Mr. Bayard's remarks that a channel which is not the entrance described by Vancouver, is alluded to.

The suggested line under discussion by Mr. Bayard is spoken of as deflecting northward from the broad waters of Dixon Entrance, and Mr. Bayard makes no remark upon its course up to the point of deflection. This silence is only consistent with Mr. Bayard's subsequent arguments, founded on the assumption that the treaty prescribes a parallel of latitude line through Dixon Entrance.

But it has been shown in the course of this Report that the negotiators did not contemplate a parallel of latitude line, and there is no allusion to any such line in the Convention. Apart from the evidence furnished by records of the negotiations of the intention of the framers of the Convention to connect the southernmost point of Prince of Wales Island with the entrance to Portland Channel by a direct line, there is the internal evidence in the Convention itself. When it was intended in the case of the meridian of 141° W. longitude that the boundary should follow a geodetic line, it was so explicitly stated, and when it was desired that the line should be determined at any point by geodetic measurement, it was so explicitly stated; as for example the intersection with the parallel of 56° N. latitude, and again the termination of its westerly course at the meridian of 141° W. longitude. In each of these cases the intention is expressed with perfect clearness and decision; the terms in which the provisions are expressed in the Convention leaving not a shadow of a doubt that geodetic determination governed the location of the line.

Under these circumstances and in the absence of any direct statement in the Treaty to support the contention, the assumption that a parallel of latitude was intended to be the course run between named terminal geographical features is untenable.

Again, Mr. Bayard speaks of the line passing by the north-west of Pearse Island, then turning southward again at right angles to re-enter Portland Inlet. It is extremely difficult to follow this description unless, indeed, it be intended to convey the idea that the line on re-entering Portland Inlet is supposed to run up the remainder of Observatory Inlet instead of up Portland Channel as described in the Convention.

Regarding Pearse Channel, which is a direct continuation of the upper waters of Portland Channel, as merely the lower part of Portland Channel, it is difficult to discover on what principle anyone could have suggested that the line should leave the Portland Channel to re-enter what is now called Portland Inlet at a point where that inlet is admittedly in conjunction with Observatory Inlet.

Mr. Bayard indeed desires to dispute the conformity of the suggested unreasonable line with the terms of the Convention; but, in submitting his arguments against it, he assumes details which cannot be assented to.

The true ocean entrance to the Portland Channel of the Convention is by Fort Tongass, and the line up the channel allots Wales, Pearse, and other islands to Great Britain.

Mr. Bayard interprets the 3rd Article of the Convention as directly stating that Portland Channel reaches as far north as 56° N. latitude.

At a first reading of the English translation as quoted in the printed copy of Mr. Bayard's instructions, the apparent meaning is that the said line shall go by way of or through Portland Channel, northward until it strikes 56° N. latitude.

The personal pronoun *it* in the quoted English translation might possibly be referred to either the line, or Portland Channel, or the continent.

The words are "the said line shall ascend to the north along the Channel called 'Portland Channel, as far as the point of the continent where it strikes the 56th degree 'of north latitude.'"

The use of the word *strikes*, with relation to a continent, is so exceptional as to lead one to conclude that by "*it strikes 56° N. latitude*," the translator cannot have meant that *the continent strikes 56° N. latitude*.

But in the French text the equivalent words are "*elle atteint le 56^{me} degré de 'latitude nord*;" and there is nothing in the word *atteint* which makes it exceptional to refer it to *la terre ferme*.

It may be mentioned that on the French text being submitted to two Parisian literary gentlemen without comment, each of them said that *elle* referred to *la ligne* but, on its being pointed out that *atteint* appeared in the present tense, each of them stated that according to strict grammatical rule, *elle* as used, referred to *la terre ferme*. Neither of these gentlemen was aware of the circumstances of the case, and had only the words before them to go by.

If the English translation were worded "to the point of the continent where *it attains 56° N. lat.*," there would be no room for the suggestion that the terms of the Convention were inconsistent with the features to which they referred, and with the details of the maps upon which the terms were based. *Attains* is a truer translation of *atteint*, than *strikes* is. And inasmuch as—even in the English translation—if, of two fairly legitimate but different renderings, one is consistent with facts and the other inconsistent, it is not too much to assume that the consistent rendering is that which should govern the interpretation.

At the same time, it is not admitted that the English translation of the Convention is authoritative. The ratification is in French.

Mr. Bayard having remarked that "there are evident reasons for believing" that the authors of the Anglo-Russian Treaty of 1825 had for their purpose "the location 'of the natural boundary line in the broader channel called Portland Inlet on the 'Admiralty and United States Coast Survey Charts' refers to 'Portland Channel, 'Portland Canal, or Portland Inlet as it is indifferently styled on the several charts.'"

As previously noted, ante p. 7, in the 4th edition of Vancouver's History, *Portland* is the name applied to what in the subsequent 8vo edition is styled *Portland Channel*. On his charts the name is invariably "Portland Canal." During the negotiations both names were used. But on no chart up to and for many years after the Convention can there be found the name Portland Inlet; and, when thereafter it is found to occur, it is believed to be invariably limited to the entrance of Observatory Inlet, a totally different channel from that of Portland Canal as described by Vancouver, and clearly so indicated on the Russian chart of the southern half of Kolschensk Archipelago, 1853.

In addition it will be remembered that Sir Charles Bagot, one of the British negotiators, clearly marked his knowledge of the difference between Portland Canal ocean entrance and the more recently styled Portland Inlet, by naming very approximately the latitude of the former.

It may further be remarked that until the results of the Convention gave special importance to Vancouver's Portland Channel, geographers regarded Observatory Inlet

as the more important of the two, for on some maps both channels were named, but on others Portland Channel was delineated without name, while Observatory Inlet was distinguished by name.

Then in subsequent years Portland Canal, as the more important channel, appears named, while Observatory Inlet is sometimes shown without name.

At first there was no special importance attached to Portland Channel; but Observatory Inlet was noted as the inlet in which a series of astronomical observations were taken by which the surveys of the neighbouring region were finally corrected. So soon, however, as Portland Channel was understood to be the continental southern limit of Russian territory, the temporary interest attached to Observatory Inlet sank into insignificance when compared with the permanent interest now connected with Portland Canal; and this change is reflected in the details given by map makers.

It is believed that no chart or map by any maker at all can be produced showing the supposed location of the boundary line as passing through the entrance of Observatory Inlet until after that entrance was styled Portland Inlet. So far as can be traced it would appear that this name was first applied some time about the year 1858. Mr. Bayard appears to be under a misapprehension in supposing that British Admiralty Charts or Surveys show the boundary as passing through Portland Inlet. It is not so shown on Commander Pender's Survey of 1868, quoted by Mr. Bayard, nor on Admiralty Chart No. 2,431, to which a reduction from that Survey has been added.

Even were such a chart producible it could not have any bearing on the case, unless indeed it were of a character to demonstrate the international understanding between Russia and Great Britain arrived at in 1825.

On the other hand the sequence of events, the styling of Observatory Inlet entrance *Portland Inlet*, and the location of the boundary through it, are strongly suggestive of cause and effect.

Mr. Bayard refers to the direct ocean entrance to Observatory Inlet being more navigable than the direct ocean entrance to Vancouver's Portland Channel, as a ground for assuming that the negotiators intended the line to pass through the former.

But this is entirely an "ex post facto" argument, or involves the assumption that the negotiators had made themselves acquainted with the navigability of the two channels.

It is unnecessary to refer here again to the declared motives determining the selection by the negotiators of the line of Portland Canal. Navigation was not an element in it. But assuming for the moment that it was likely to have been so, whence did the negotiators arrive at the knowledge which guided them?

On the charts, Vancouver does not note soundings. In the details recorded in his History could they alone have hoped to find the information necessary to guide them to a conclusion which—under the supposed circumstances—must have impressed them as of over-ruling importance. But, if these gentlemen referred to Vancouver's History for such details, is it possible to conceive that while they were tracing in his text the course of what they called Portland Canal, they were in fact examining his description of what he called Observatory Inlet? If such an examination of Vancouver's text, as is here supposed, had actually been made by the negotiators, their investigations must have extended to the neighbouring channels, and again they are found reading the text description of one channel believing it to be the description of an entirely different channel.*

Moreover the records of the negotiations are not merely silent with regard to the navigability of Portland Canal, but they afford no trace of an operating motive for determining the southern limit of Alaska by navigable water.

The Russians recorded their opinion that the boundary should be drawn with a view to prevent collisions between the traders of Russian and British nationalities. Sir Charles Bagot pressed upon their attention that British trade was being carried on about latitude 55°, that is the Nass River trade through Observatory Inlet. There is every natural reason then to suppose that the line would, by mutual consent of the parties, have been by preference located through Vancouver's Portland Canal in which neither urged any existing predominant claim, than through Observatory Inlet in which the British had an exceptional interest.

It is also to be remembered that the first Russian proposal was to draw the line from Prince of Wales Island only to Portland Canal, and thence only so far up it as to reach the mountains bordering the coast. In this there is no suggestion of their aim being to obtain inland navigation, for the impression, a true one, was that the mountains came close to the water's edge. The extension of the line throughout Port-

* There are no more channels in the neighbourhood than Vancouver's Observatory Inlet and his Portland Channel. If the negotiators studied Observatory Inlet, mistaking its description for that of Portland Channel, they must also have mistaken the description of Portland Channel for that of Observatory Inlet.—D.R.C.

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land Canal plainly originated in a misinterpretation of the Russian original proposal, still, however, without any idea of navigation on the part of the British or of the Russian negotiators.

The selection of the entrance to the Portland Canal having been thus determined, it is not open now to contend in effect that a line more advantageous to the Russians might have been selected, and consequently probably was intended to be described, although as a matter of fact not so described.

It is further to be noted that such an argument as that, founded on a presumed intention to draw the line along the most navigable course, cannot be effectively used by the United States authorities, for when the question of St. Clair Flats Canal was raised some years ago, the United States maintained in effect that a line described as to be drawn from the inflow of a navigable stream into Lake St. Clair, thence to its outflow from the lake through another navigable channel was not necessarily a line along the most navigable channel, in fact the only natural one, of the stream entering the lake.

Mr. Bayard concludes his enumeration of "*evident reasons*" for assuming that the negotiators intended to describe a line passing through Portland Inlet, that is to say, through the ocean entrance of Observatory Inlet, by remarking:—

"It is not therefore conceived that this water part of the boundary line, can ever be called in question between the two Governments."

Each of the reasons upon which Mr. Bayard's conclusion is based has been discussed in more or less detail, with the effect of showing that they are, without exception, due to erroneous views. It would therefore appear to be unnecessary now further to extend the examination of them.

But notice has to be taken of Mr. Bayard's references to the line between the head of Portland Channel and the parallel of 56° N. latitude.

Alluding to an alleged error in the Treaty description of this part of the line, Mr. Bayard says, "This, however, is of little importance, for, with the better topographical knowledge we now possess, we know that a Conventional line, in continuation of the *'general trend of the mid-channel line'*, would strike the 56th degree of north latitude at a distance of some four or five miles inland."

Again, he speaks of "the intersection of the *mid-channel line of Portland Channel* with the 56° north parallel."

And yet again, "the line projected from the *mid-channel line of Portland Channel* intersects at about the 56th degree of north latitude the back bone range in question."

These remarks are all made on the assumption that the direction of the line in its northward course on leaving the head of Portland Channel is governed by its antecedent course.

There is nothing in the terms of the Convention to sustain this assumption.

The intersection of the boundary line with the parallel of 56° N. latitude is clearly described in the 3rd and 4th Articles of the Convention to be alternatively at one or other of two points, namely, if there be no mountains on the parallel within 10 marine leagues of the ocean, then at that point of the parallel which is at 10 marine leagues; if there be mountains on the parallel within 10 marine leagues of the ocean, then at the point where such mountains are next the sea.

The two terminal points of this section of the line are thus definitely indicated.

Mr. Bayard's argument involves disregard of the meaning of the words "*de ce dernier point*" in the 3rd Article of the Convention.

These directly assert that the line, in its northward course, is to leave the parallel of 56° N. latitude at the precise spot at which it arrives at the parallel from the southward.

The points at which Mr. Bayard would have the line intersect the parallel of 56° N. latitude exceeds 10 marine leagues from the ocean.

It has been shown that *inlets* are not included, as supposed by Mr. Bayard, in the term *la côte* regulating the course of the line; if further confirmation of this were needed it may be gathered from the fact on the opposite assumption it would be impossible to find any point on the parallel of 56° N. latitude at which the line might arrive from the southward and pass northward without direct contradiction of the language of the Convention.

What is now advanced may be realised from the following explanation. Part of the parallel of 56° N. latitude is the chord of an arc of 10 marine leagues radius from the head of Portland Channel. On the supposition that the outline of inlets forms part of *la côte* whence the breadth of *la lisière* is to be measured, and that there are no mountains, the boundary line may not intersect this chord; for, if it does, in its course north of the parallel it must traverse territory within 10 marine leagues of the coast.

Assume next that there are mountains on the parallel. In this case a point of intersection of the arc with the parallel is the point of arrival and departure of the line.

It cannot be the eastern intersection for this would involve a departure north very many leagues beyond the prescribed limit.

It cannot be the western intersection except on the chance, infinitesimally small, that at this point the crest of the mountains bordering the coast, occur.

Mr. Bayard in concluding his instructions to Mr. Phelps makes a long and interesting quotation from a report by Professor Dall.

None, it is believed, of Professor Dall's published accounts of his explorations in Alaska touch the region between Mount St. Elias and Portland Canal; and there is some uncertainty whether his quoted description of the region is founded on direct personal experience, or merely on reasoning from what he saw in a country somewhat remote from the location of the part of the line under discussion.

Accepting the descriptions, however, as correct, Professor Dall's explanations of the difficulties in drawing the alternative lines he alludes to, are in a great measure indisputable, but there is one line to the demarcation of which he attributes no physical difficulty.

"The single continuous range being non-existent, if we attempt to decide, on the 'summit' of the mountains we are at once plunged into a sea of uncertainty."

"Shall we," he asks, "take the ridge of the hills nearest the beaches?"

And—replying to himself—continues—

"This would give us, in many places, a mere strip of territory not more than three miles wide, meandering in every direction."

This—excepting the allusion to supposed excessive meandering—happens to be the very line indicated by the Convention, in case the country should be mountainous.

The breadth of coast it assigns to the United States, according to Professor Dall, is just such as the Russian Plenipotentiaries assumed it might be found to do.

The "*mere strip of territory*" precisely describes what the British negotiators reluctantly assented to, and what the Russians agreed to.

The words used by Professor Dall are in fact almost the exact equivalent of those used by the Russians in urging their claim to at least touch the continent. "Nous bornons nos demandes à celle d'une simple lisière du continent."

* * "il ne serait point impossible, vu le peu de certitude des notions géographiques que l'on possède encore sur ces parages que les montagnes désignées pour la limite s'étendissent jusqu'aux bords même de la côte."

And Mr. Canning, instructing Sir Stratford Canning, mentions the same border as what "we (British) only intended to give and they (Russians) only intended to ask, "a strip of sea coast!"

The alternative lines enumerated by Professor Dall are all based on erroneous interpretations of the Convention already dealt with.

It cannot be expected that the "beach hills" are marked *in situ* by a *continuous ridge*; but the tops of the hills next the sea mark the line of the Convention; and, in the absence of any certain topographical information, the negotiators could not possibly, it is thought, have selected a line simpler to recognize and easier to mark. No sea of mountains has to be explored, but from the parallel of 56° N. latitude to the neighbourhood of Mount St. Elias the demarcation may be effected from a convenient sea base line no where distant from the working parties more than a few miles.

Professor Dall's arguments are directed to questioning the advantages—from a surveyor's point of view—of a mountain boundary line.

The Russian and British negotiators selected a mountain boundary line in consequence of its advantages as an international limit.

A geodetic line—such as Professor Dall desires—is most difficult to mark in a mountainous region, and is almost wholly dissociated from the objects to be subserved by an international boundary.

Statesmen may not limit their view to the considerations of the physical difficulties in marking national boundaries.

D. R. CAMERON, Colonel R.A.

1886.

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No. 2.

MEMORANDUM of the CIRCUMSTANCES which led to the CONCLUSION of the CONVENTION between GREAT BRITAIN and RUSSIA of 1825, relative to Trade in the Pacific, and the Limits of their Possessions on the North-west Coast of America.

In September, 1821, the Emperor of Russia issued an Edict, containing regulations relative to trade on the eastern coast of Siberia, the North-west coast of America, and the Aleutian, Kurile, and other islands of the Pacific.

These regulations granted to Russian subjects an exclusive right of commerce, whaling, and fishery in all the islands, ports, and gulfs, from Behring's Straits to the fifty-first degree of north latitude, and from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands, from Behring's Straits to the South Cape of the Island of Urup, to the 45° 50' of north latitude.

All foreign vessels were prohibited, under the penalty of confiscation, from approaching this territory within 100 Italian miles, unless driven by stress of weather, &c., and even then they were forbidden to carry on any trade whatever, either with the natives or with the Russian American Company.

On the publication of the Ukase, the Russian Minister for Foreign Affairs stated to Sir Charles Bagot that the object of it was to prevent the "commerce interlope" of the citizens of the United States, who were not only in the habit of resorting to the Russian coasts and islands of the Pacific, for the purpose of interfering in the Russian trade with China in the lucrative sale of sea otter skins, but were also in the constant habit of introducing prohibited articles, and especially gunpowder, into the Russian dominions in that quarter. The Russian Minister also said that representations had been repeatedly made upon this subject to the American Government, who had professed to be unable to control their citizens in those distant seas; but had intimated that they should not take in ill part any measures which the Russian Government might deem it expedient to adopt for the protection of its own rights.

Baron Nicolay communicated the Ukase officially to Lord Londonderry, and the question was then submitted to the King's Advocate.

Sir Christopher Robinson reported, that the object of Russia appeared to be to obtain indirectly the acknowledgment of territorial rights assumed over a portion of sea that might become of great importance with reference to trade, and in consequence of the discoveries which were making in that quarter; that a right of sovereignty over a sea of such extent, merely because its opposite limits touched the possessions of the same Power, was much greater than was ordinarily recognized by the principles of the Law of Nations; and that it may be expedient to declare the intention of His Majesty's Government to adhere to those established principles, and to deprecate any infringement of the usual rights of commerce.

Lord Londonderry accordingly acquainted Count Lieven that he was directed to make such a provisional protest against the enactments of the Ukase as was necessary in order to save the rights of His Majesty's Crown, and of the persons and property of His Majesty's subjects; that the British Government were willing to enter into amicable explanations on the question; but that, in the meantime, it could not admit that the intercourse which had previously existed in those seas could be deemed to be illicit, even supposing that the vast and imperfectly occupied territories, which were considered as erroneously claimed by Russia, really belonged to His Imperial Majesty.

Verbal communications afterwards passed between Count Lieven and the Duke of Wellington, in London and at Verona, in consequence of which it was proposed by the former that a negotiation upon the subject should be entered into at St. Petersburg.

Sir Charles Bagot was immediately instructed to open the discussion, and full powers to conclude a treaty were forwarded to him.

During the discussions an overture was made by the United States to join in the negotiation, which was accepted by the two Powers; and as it was understood that Russia had waived her extravagant pretension of maritime jurisdiction, there was every prospect of the conclusion of a tripartite convention upon that point.

With respect to the territorial question, it was intimated to Sir Charles Bagot that the British Government would prefer a fixed line of demarcation to a joint occupancy, and that a line drawn at the fifty-seventh degree between the Russian and British settlers would be an arrangement satisfactory to His Majesty, and would assign to Russia as much as she could justly claim.

Sir Charles Bagot, in conversation with Count Nesselrode, observed that, as the United States could make no pretension to territory so far north as the fifty-first degree, the question of boundary would rest between Russia and Great Britain alone; that the pretension of Great Britain had always extended to the fifty-ninth degree of north latitude, but that His Majesty was disposed to consent to take as the line of demarcation the fifty-seventh degree, to the southward of which it was supposed that Russia had no settlement.

The American Minister (Mr. Middleton) at St. Petersburg, however, soon afterwards received his instructions, from which it appeared that the United States asserted an equal pretension, at least, to that of either Great Britain or Russia, to the whole of the coast as high as the sixty-first degree, and an absolute right to be parties to any subdivision of it which might be made. This pretension and right were stated to be grounded upon the Treaty of 1819, under which the Floridas were ceded to the United States by Spain; and it was alleged that the United States, having by that treaty become possessed of all claims which belonged to Spain, to the north of the forty-second degree, and Russia having already disclaimed, in 1790, all interference with the pretensions of Spain, south of the sixty-first degree, any division of the coast between the forty-second and sixty-first degrees ought, in strictness, to be made solely between the United States and Great Britain.

The American Minister admitted that it was not the intention of his Government to push its pretensions to that extent. The United States were ready to acknowledge that no country had any absolute and exclusive claim to the territory; but they meant to assert that they, as heirs to the rights of Spain, had, in fact, the best pretensions to it of either of the three Powers concerned.

The American Government proposed that, a division being made between the three Powers, a joint convention should be entered into, renewable at the pleasure of the parties, for the purpose of mutually granting to each other for a limited period, the freedom of fishery and of trade with the natives, and whatever other advantages the coasts might afford; and the American Minister at St. Petersburg was furnished with full powers to conclude such a convention.

But Sir Charles Bagot, whose instructions and powers did not contemplate the putting forward of such pretensions by the United States, thought proper to suspend the negotiations, so far as regarded the question of territory.

He had previously intimated to Count Nesselrode that Great Britain might be satisfied to take Cross Sound, in about latitude $57\frac{1}{2}^{\circ}$, as the boundary on the coast, and a meridional line drawn from the head of Lynn Canal, or about the 135th degree of west longitude, as the boundary in the interior. M. Poletica, the Russian plenipotentiary, suggested the 55th degree as the boundary which Russia would desire to obtain, and stated that it would be with extreme reluctance that Russia would consent to relinquish her settlement at Sitka, or New Archangel.

In consequence of the unexpected pretensions of the United States, Sir Charles Bagot was directed to negotiate only with Russia, between which Power and Great Britain a satisfactory arrangement might be anticipated.

It was observed by Mr. Canning that the intervention of the United States in the negotiation would obviously tend to complicate the question between Russia and Great Britain, and that a fresh agreement between Great Britain and the United States was unnecessary, because a freedom of intercourse for the subjects of the two Powers with the country claimed by either, on the north-west coast, was already established by treaty.

With a view to the conclusion of an arrangement with Russia, Sir Charles Bagot was instructed to obtain some record of the disavowal by that Power of the extravagant maritime pretensions advanced in the Emperor's Ukase, and to require an equitable adjustment of the limits, first, by a line of demarcation, to be drawn between the southernmost settlement of Russia and the northernmost post of the North-west Company; and, secondly, by another line, to be drawn through the channel which separates from the mainland the islands, upon one of which Sitka is situated.

The Russian plenipotentiaries, on entering upon the negotiation, expressed the reluctance of His Imperial Majesty to renounce pretensions which had been advanced in 1800 by the Emperor Paul, and which had hitherto been undisputed; but Sir Charles Bagot successfully insisted upon maintaining as the basis of negotiation that which had already been agreed upon, namely, that the question of strict right should be provisionally waived on both sides. He was not, however, successful as to the limits; for, although he had expressed every disposition to be accommodating as to the sea-line, the Russian Government laid claim to parts of the mainland over which Russia could not possibly have acquired any right, and which Great Britain, in fact, was partially occupying. Sir Charles Bagot had offered the 55th degree as the line of demarcation upon the islands, in order to preserve to British subjects uninterrupted access to the Pacific Ocean, and in order to secure to Great Britain the 60th degree of north latitude as the British boundary upon the coast; but the proposition was rejected by the Russian plenipotentiaries, and Sir Charles, in consequence, deemed it expedient to suspend the negotiation.

The question between Russia and the United States was shortly afterwards brought to a conclusion by the signature of a treaty stipulating that the subjects and citizens of the two Powers might resort, without restraint, to the Pacific Ocean and to the points of its coasts which were not already occupied; that the Americans should not form any establishment to the north of $54^{\circ} 40'$, or the Russians any to the south of

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that latitude; and that the citizens and subjects of both powers might frequent, for 10 years, the interior seas, gulfs, harbours, and creeks upon the coast.

The objections of the Russian Government to Sir Charles Bagot's propositions having been considered, he was directed to consent to include the south points of Prince of Wales Island within the Russian frontier, and to admit, as the line of demarcation, a line to be drawn from the southernmost point of Prince of Wales Island, from south to north, through Portland Channel, till it should strike the mainland in latitude 56°; thence a line following the sinuosities of the coast along the mountains nearest to the sea as far as Mount Elias in latitude 60°, and thence the 135th degree of longitude as far as the Polar Sea, the distance of the line along the mountains at no point to exceed 10 leagues from the sea.

Sir Charles Bagot was also directed to obtain, if possible, a period longer than 10 years during which the subjects of the two Powers should continue at liberty to resort to the possessions of each Power, and he was also directed to require a stipulation for the permanent admission of British subjects to the harbour of New Archangel, and to rivers, creeks, &c., on the continent (including the sea beyond Behring Straits), as a compensation for the perpetual right which would be granted to Russia to the territory included within the new boundary.

The Russian Government positively refused to grant to British subjects a perpetual right of trading with the port of New Archangel, and with the ports in the Russian territory within the line of demarcation; declaring that, although at the expiration of a period of 10 years they might be disposed to renew the privilege, they could not consent to grant it in perpetuity: and they equally declined to permit British subjects to resort to the Russian territory above the 60th degree, even for a limited period. They also required that the right of freely navigating the sea beyond Behring's Straits should be accepted by Great Britain as a concession from Russia.

Sir Charles Bagot, finding that he could not induce the Russian plenipotentiaries to depart from their resolution upon either of these points, again suspended the negotiation, and soon afterwards returned to England.

In the meantime Mr. Ward was directed to propose to the Russian Government that instructions should be sent to Count Lieven for the purpose of negotiating the treaty in London.

It was, however, decided that Sir Stratford Canning should repair on a special mission to Russia, in order to finish the negotiations at St. Petersburg.

He was accordingly instructed to propose to the Russian Government a project of a treaty, which, in order to obviate the Russian objections as to Russian maritime jurisdiction, and as to British navigation, contained two articles corresponding with those which have been recently concluded upon those points between Russia and the United States, with a proviso as to the period of 10 years, that, if a more extended term, with respect to the port of New Archangel, should be granted to the subjects of any other Power, the same extension should be granted also to British subjects, the line of demarcation in this project was very nearly the same as that proposed by Sir Charles Bagot.

The Russian Government having acquiesced in the project, without any material alteration, a treaty was concluded between the plenipotentiaries, the principal stipulations of which were, that the subjects of the two Powers might resort, without restraint, to the Pacific Ocean and to such parts of the coast thereof as had not been already occupied; that the line of demarcation between the possessions of the two Powers should be drawn, beginning from the southernmost point of Prince of Wales Island, in 54° 40' north latitude, and between the 131st and 133rd degrees of west longitude; thence, northerly, along Portland Channel to the point where it strikes the coast in the 56th degree; thence by the summit of the mountains along the coast, and within the distance of 10 leagues from that coast to the point where such line intersects the 141st degree of west longitude, and from thence due north to the Frozen Ocean; that Prince of Wales Island should belong wholly to Russia: that neither party should form any establishment within the limits assigned to the other: that British subjects should have free access for ever to the rivers and streams which cross the line of demarcation upon the coast, and for 10 years, at least, to the port of New Archangel: and that the subjects of both Powers may frequent all the internal seas, gulfs, havens, and creeks upon the coast.

The treaty is silent with respect to Behring's Straits; but Sir Stratford Canning was assured by the Russian plenipotentiaries that the Emperor had no intention whatever of maintaining any exclusive claim to the navigation either of those straits or of the seas to the north of them.

A copy of each of the treaties above-mentioned, between Russia and the United States and Great Britain, is annexed to this memorandum.*

(Signed) L. HERTSLET.

Foreign Office, July, 1855.

* See Appendix 40 and 41.

No. 3.

THE RIGHT HON. G. CANNING to SIR CHARLES BAGOT.

(Dated February 5, 1823.)

(No. 1.)

(Extract.)

I avail myself of the opportunity of a Russian courier (of whose departure Count Lieven has only just apprized me) to send this note to your Excellency, and to desire that your Excellency will proceed to open the discussion with the Russian minister upon the basis of the Instruction * to the Duke of Wellington.

No. 4.

RIGHT HON. G. CANNING to SIR C. BAGOT.

(No. 9.)

(Extract.)

July 12, 1823.

I avail myself of this opportunity to write to your Excellency on the several subjects to which I have here adverted, communications and instructions upon which you will find in my accompanying Despatch.

No. 5.

RIGHT HON. G. CANNING to SIR C. BAGOT.

(No. 12.)

July 12, 1823.

SUBJECT.

Delay in consequence of United States proposing to join negotiations : inquires what terms would be acceptable to Russia as regards ocean navigation. With regard to mainland boundary Mr. Canning proposes that "a line of demarcation drawn at the 57th degree between Russian and British settlers would be an arrangement satisfactory to us, and would assign to Russia as much as she can pretend to be due to her * *." "The arrangement might be made if more agreeable to Russia for an expirable period of 10 to 15 years."

No. 6.

RIGHT HON. G. CANNING to SIR C. BAGOT.

(Private.)

Foreign Office, July 25, 1823.

Since my Despatch, No. 12, was written it has occurred to me that an "expirable period" to a regulation of boundaries might be liable to some objection, as keeping alive a subject of jealousy and contest. Therefore, in bringing forward the suggestion of a "line of demarcation" (as you are instructed to do) you will not yourself propose such a modification, though if proposed you may receive it for consideration. If it should be found impossible at once to agree upon the precise limits, the settlement of them might be referred to a Commission.

I have, &c

His Excellency Sir Chas. Bagot.

(Signed) GEORGE CANNING.

* This Instruction was forwarded to Sir C. Bagot in Despatch No. 5 of December 31, 1823.

No. 7.

A MEMORANDUM* in the Record Office, Volume 146 Russia, Domestic, Various.

January 13, 1824.

Mr. Canning will perceive by the enclosed Russian Chart (copied from Vancouver's Survey) that the Russian settlement of Sitka is on a small island they have so named in the mouth of Norfolk Sound and in latitude $57^{\circ} 5' N$.

The great island contiguous to it is named by Vancouver "King George's Archipelago," and the strait which separates it from another island (Admiralty Island) is named "Chatham Strait"; that between Admiralty Island and the Continent "Stephen's Strait" or "Passage." It is probable that since the settlement of Sitka, the Russians may have extended their possessions to the great adjacent island. I should think therefore that if latitude 56° , which takes in the whole of that island, and the longitude 225° (or which is the same thing 135° west) were assigned as the Russian limits, Chatham Strait, Lynn Canal, and a line running from the head of the latter in the direction of north-west would form an unobjectionable boundary. Perhaps a sketch of this part of the chart might accompany Sir C. Bagot's instructions.

DOCKET.

January 13, 1824.

Respecting the Russian and English boundaries on N.W. coast of America.

No. 8.

ADMIRALTY to FOREIGN OFFICE.

DEAR SIR,

Admiralty, January 14, 1824.

I THINK the enclosed sketch (which may be considered as correct with regard to latitudes and longitudes) may be of service to Sir C. Bagot in his negotiations.

I do not know how far the cession of Icy Cape and the whole of Behring's Strait may enable Russia to set up the claim of considering that strait a *mare clausum* by the possession of both shores, distant, as they are in the narrowest part, 13 sea leagues; but one would not wish, I think, to concede such a point to her, though practically it might be only a dead letter. If, however (and I confess I am sanguine enough to expect it), Captain Parry should ascertain a navigable passage round Icy Cape, it would be of the utmost possible importance to the North-west Company to transport their furs direct from Mackenzie's River to China, instead of sending them as now 3,000 miles to Hudson's Bay, a few thousand more by sea to England, and 10,000 still more thence to Canton. It may appear ridiculous to entertain a hope that steam vessels will one day sail from Mackenzie River round Icy Cape, but when it is considered that Franklin met with no obstruction to navigation for 500 miles along the same coast, which runs in one and the same parallel, and that there is an immense bed of coal on the shore of Slave Lake close to that river, we must admit that far more wonderful events have happened than this within the last 50 or 60 years.

I have, &c.

The Right Hon. Geo. Canning.

(Signed) JOHN BARROW.

DOCKET.

Admiralty, January 14, 1824.

Mr. Barrow.

Enclosing a sketch relating to the N.W. coast of America.

The sketch was forwarded to Sir Charles Bagot.

(Initialled) F. C.

(Lord Francis Conyngham.)

* This memorandum is unsigned, but is apparently in the handwriting of Lord Francis Conyngham. D.R.C.

No. 9.

RIGHT HON. G. CANNING TO SIR C. BAGOT.

(No. 2.)

FOREIGN OFFICE, January 20, 1824.

SIR,—A LONG time has elapsed since I gave your Excellency reason to expect additional instructions for your conduct in the negotiations respecting the Russian Ukase of 1821.

That expectation was held out in the belief that I should have to instruct you to combine your proceedings with those of the American Minister, and the framing such instructions was of necessity delayed until Mr. Rush should be in possession of the intentions of his Government upon the subject.

Upon receipt of your Excellency's Despatch No. 48, reporting the arrival of Mr. Hughes at St. Petersburg with the instructions of the Government of the United States to Mr. Middleton, I applied to Mr. Rush for information as to the tenor of those instructions. I then found what I had not before been led to suspect, that Mr. Rush had himself authority to enter into negotiations with us as to the respective claims of Great Britain and the United States on the North-west Coast of America, although he does not appear to have been instructed to invite such negotiation here if we should prefer leaving it to be conducted at St. Petersburg.

It seemed, however, that it would greatly facilitate your Excellency's task at St. Petersburg if we could come to some satisfactory understanding with Mr. Rush on the principles and leading points of the negotiation, and that at all events it was advisable to ascertain so much from Mr. Rush as might enable us to judge whether it would or would not be expedient to agree to the proposal of the United States for combining our negotiations with Russia into one.

Such a combination had indeed been already proposed by us with respect to so much of our respective discussions with Russia as turned upon the maritime pretensions of the Russian Ukase. But that proposal had not been made in contemplation of the territorial question, to which the pretensions of the United States have given a new and complicated character.

The object in applying jointly to Russia for a disavowal or qualification of her maritime pretension was at once to simplify and to soften to Russia that act of qualification or disavowal, by enabling Russia to satisfy both Powers at once, with special and separate concession. But as in the question of territorial limits, Russia, at whatever point her pretensions might be stopped, could have but one of the two Powers for her neighbour, there did* seem to be any obvious advantage in bringing both to bear upon her together in the settlement of those limits.

It is true that as while we confine upon the Russian territory to the north, we also confine upon that of the United States to the south, we must at one time or other come to a settlement with each of these powers. But there is no obvious or cogent reason for making those settlements simultaneous, especially as we have already a Convention subsisting with the United States which suspends the necessity of any definite settlement with that Government for five years yet to come.

Whether, therefore, your Excellency should be empowered, according to the desire of the Government of the United States to negotiate and conclude a tripartite arrangement with Russia and the United States, or should be instructed to pursue that negotiation with Russia singly according to the tenor of your present powers, was a question to be determined in a great measure by the more or less probability of a satisfactory understanding between Great Britain and the United States as to their relative as well as their joint concern in such negotiation.

Now we have good reason to believe that in respect to the question of territorial dominion between us and Russia, an arrangement may be agreed upon which will satisfy the wishes and secure the convenience of both parties by a line of demarcation to be drawn between the southernmost settlement of Russia and the northernmost part of the North-west Company.

The most southern establishment of Russia on the North-west Coast of America is Sitka, which is not laid down in our latest maps with sufficient exactness, but which appears by the Russian map published in 1822 to be situated, as the enclosed copy of a letter† from Mr. Pelly, Chairman of the Hudson's Bay Company, also represents it, in latitude 57° and not (as the map, of which a copy was enclosed by your Excellency indicates) on the continent, but on a small island of the same name at the mouth of Norfolk Sound, the larger islands contiguous thereto forming (what is called by Van-

* Did not seem (?)—D.R.C.

† Not printed.

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couver) King George's archipelago, are separated from each other by a strait called Chatham strait, and from the mainland by another strait called Steven's* Strait or passage. Mr. Pelly positively avers that they have no settlement on the mainland nor any commerce to the eastward of the coast. He suggests, therefore, the channel between the islands and the mainland as the most desirable line of demarcation, which being agreed to, the line to the southward might be drawn so as to comprehend Sitka and all the Russian settlements upon the islands. If this agreement could be obtained it would certainly prevent all danger of a collision with Russia, and the United States not intending, as it is understood, to urge any claim in opposition to that actual occupancy, whether on the part of Russia or of Great Britain in the latitudes in which Great Britain and Russia come in contact, the drawing of that line is clearly a matter which practically concerns only the two Powers between whose possessions it is to be drawn.

The intervention of the United States in such an arrangement could be necessary only as an umpire. Such an intervention in this case is not likely to be required on account of an irreconcilable conflict of pretensions between Great Britain and Russia; nor would a Power whose pretensions are (theoretically at least) in conflict with both parties be the fittest for such an office.

Your Excellency's Despatch No. 48 describes latitude 55° as the point at which M. Poletica appeared to wish that the line of demarcation between Russia and Great Britain should be drawn. By a memorandum which I have received from Mr. Rush, of what his Government would propose as a general settlement, it appears that latitude 55° is the point at which the United States likewise would propose for that same line of demarcation.

This coincidence certainly argues either a foregone understanding between Russia and the United States, or a disposition on the part of the United States to counter-act and promote what they know to be the desire of Russia.

When to this statement I add that the United States propose, according to the aforesaid memorandum of Mr. Rush, to draw the line of demarcation between themselves and Great Britain at latitude 51° the point at which the Russian pretension, as set forth in the Ukase of 1821, terminates, it does not seem very uncharitable to suppose that the object of the United States in making a selection otherwise wholly arbitrary of these two points of limitation for British dominion was to avoid collision with Russia themselves, and to gratify Russia at the expense of Great Britain. There is obviously no great temptation to call in such an arbiter if the partition between Russia and ourselves can be settled, as no doubt it can, without arbitration.

By admitting the United States to our negotiation with Russia we should incur the necessity of discussing the American claim to latitude 51° at the same time that we were settling with Russia our respective limits to the northward.

But the question of the American claim is for the present merged in the Convention of 1818; and it would be a wanton increase of difficulties to throw that Convention loose, and thus to bring the question, which it has concluded for a time, into discussion precisely for the purpose of coincidence as embarrassing as it is obviously unnecessary.

If Russia, being aware of the disposition of the United States to concede to her the limit of latitude 55°, should on that account be desirous of a joint negotiation, she must recollect that the proposal of the United States extends to a joint occupancy also, for a limited time, of the whole territory belonging to the three powers; and that the Convention now subsisting between us and the United States gives that joint occupancy reciprocally in the territory to which we both lay claim.

To this principle it is understood the Russian Government object; nor, so far as we are concerned, should we be desirous of pressing it upon them; but as between ourselves and the United States we are not prepared to abandon it, at least for the term for which the Convention of 1818 has to run; there would be some awkwardness in a tripartite negotiation which was not to be conducted and concluded in all its parts upon an uniform principle.

These reasons had induced us to hesitate very much as to the expediency of acceding to the proposition of the United States for a common negotiation between the three Powers; when the arrival of the speech of the President of the United States at the opening of the Congress supplied another reason at once decisive in itself, and susceptible of being stated to Mr. Rush with more explicitness than those which I have just now detailed to your Excellency; I refer to the principle declared in that speech which prohibits any further attempt by European Powers at colonization in America.

Upon applying to Mr. Rush for an explanation of this extraordinary doctrine, I found him unprovided with any instructions upon it. He said, indeed, that he had not heard from his Government since the opening of the Congress, and had not even received officially a copy of the President's speech.

* Stephen's ? D.R.C.

His conviction, however, was that against whatever Power the President's doctrine was directed, it could not be directed against us. He appealed in support of that conviction to the existence of the Convention of 1818, by which we and the United States, hold for a time joint occupancy and common enjoyment of all the territory on the North-west Coast of America above latitude 42°.

It was obviously the impression on Mr. Rush's mind that this pretension on the part of his Government was intended as a set-off against maritime pretension of the Russian Ukase.

I do not mean to authorize your Excellency to report this construction at St. Petersburg as that of the American Minister, but you will have no difficulty in stating it as one to which we think the President's speech liable; as that, indeed, which appears to us to be by far the most probable construction; as such it furnishes a conclusive reason for our not mixing ourselves in a negotiation between two parties whose opposite pretensions are so extravagant in their several ways as to be subject not so much of practical adjustment as of reciprocal disavowal.

Mr. Rush is himself so sensible of the new consideration which is introduced into the negotiation by this new principle of the President's that, although he had hitherto urged, with becoming pertinacity, the adoption of the suggestion of his Government, he has, since the arrival of the President's speech, ceased to combat my desire to pursue the course—already begun, of a separate negotiation at St. Petersburg, and has promised to write by his messenger to Mr. Middleton, to prepare him for your Excellency's continuing to act upon your former instructions.

It remains, therefore, only for me to direct your Excellency to resume your negotiation with the Court of St. Petersburg at the point at which it was suspended, in consequence of the expected accession of the United States, and to endeavour to bring it as speedily as possible to an amicable and honourable conclusion.

The questions at issue between Great Britain and Russia are short and simple. The Russian Ukase contains two objectionable pretensions: first, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominions.

As to the first, the disavowal of Russia is, in substance, all that we could desire. Nothing remains for negotiation on that head but to clothe that disavowal in precise and satisfactory terms. We would much rather that those terms should be suggested by Russia herself than have the air of pretending to dictate them; you will therefore request Count Nesselrode to furnish you with his notion of such a declaration on this point as may be satisfactory to your Government. That declaration may be made the preamble of the Convention of limits.

As to the territorial question, I have already stated that the line of demarcation the most satisfactory to us would be one drawn through the channel separating the islands, upon one of which Sitka is situated, from the mainland.

If this cannot be obtained as the boundary, then the line on the mainland must be drawn to the north of the northernmost post of the North-west Company till it strikes the coast, and thence may descend to whatever latitude may be necessary for taking in the islands, on one of which Sitka stands.

It does not appear from your Excellency's Despatch how far the line proposed by M. Poletica, to be drawn at latitude 55°, was intended to run to the eastward. If to the Rocky Mountains, it obviously would be wholly inadmissible by us, inasmuch as the communication of the North-west Company from Canada, through those mountains with the whole of the north-west country, is in a higher latitude than 55°.

Neither has Russia any claim whatever to any inland territory approaching that latitude. She has no occupancy inland. Mr. Pelly's report denies that she has any, even on the coast, and it is to the coast alone that discovery could, in the nature of things, give any title.

It is absolutely essential, therefore, to guard against any unfounded pretension, or any vague expectation of Russia, to the eastward; and for this purpose it is necessary that, whatever degree of latitude be assumed, a definite degree of longitude should also be assigned as a limit between the territorial rights of the two Powers.

If your Excellency can obtain the strait which separates the islands from the mainland as the boundary, the prolongation of the line drawn through that strait would strike the mainland near Mount Elias, the lowest point of unquestioned Russian discovery. But if that were too much to insist upon, the 135th degree of longitude, as suggested by your Excellency, northward from the head of Lynn harbour might suffice.

It would, however, in that case be expedient to assign with respect to the mainland, southward of that point, a limit, say, of 50 or 100 miles from the coast, beyond which the Russian posts should not be extended to the eastward. We must not admit the Russian territory to extend at any point to the Rocky Mountains on any account, because by such an admission we should establish a direct and complete interruption

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between our territory to the southward of that point, and that of which we are in possession to the eastward of longitude 135° along the course of the Mackenzie river.

As your Excellency had already made so much way in previous discussion, it is to be hoped that, on resuming the negotiation, very little time need be required to bring it to a conclusion. It is extremely important to conclude it as quickly as possible.

It being once decided not to negotiate jointly with the United States, we must take care to be out of the way while the discussions between Russia and the United States are going on, and the example of having come to an agreement with us promptly and amicably on both points of litigation would perhaps not be less valuable to Russia in her subsequent discussions with the United States, than would have been the facility, which we had in contemplation when we originally proposed that her disavowal of the maritime principle should be addressed simultaneously to us both.

At that time our claim to such disavowal and the claim of the United States were precisely alike. Russia had nothing to plead against either of us as a compensation for those claims. The principle put forth by the President of the United States has introduced a difference between the respective situations of the United States and Great Britain, which did not exist before. In the former state of things it might have been expedient both for ourselves and the United States as well as^{as} distasteful to Russia, to return an answer common to us both; but, as things stand now, Russia might naturally wish to qualify her answer to the United States with some reciprocal demand of explanation.

The only point of view in which the United States could now insist upon interfering with, or even taking cognizance of, the negotiation between us and Russia, would be in order to see that the pretension on the North-west Coast of America, derived to the United States from Spain, through the Treaty of 1819, were not prejudiced by our separate agreement.

That object cannot be more effectually provided for than by inserting into our Convention with Russia, as a protection for the claims of the United States, that part of the 3rd Article of the Convention concluded by us with the United States in 1818, which was inserted in that Convention for the protection of the claims of Spain herself in the rights which she had not then ceded. By that article it is stipulated that the agreement between the two contracting parties "should not be taken to affect the claims of any other Power or State in any part of the said country." Such a clause your Excellency will voluntarily propose to insert in the Convention which you are to conclude with Count Nesselrode, and you will apprise Mr. Middleton of your intention of proposing that insertion.

I have, &c.,

(Signed) GEORGE CANNING.

Sir C. Bagot.

No. 10.

RIGHT HON. G. CANNINGTON TO SIR C. BAGOT.

(No. 3.)

FOREIGN OFFICE, JANUARY 20, 1824.

SIR,—I write this separate Despatch to your Excellency for the purpose of enclosing to you certain information and suggestions[†] on the subject of our discussion with Russia respecting the north-west coast of America, which I have received since my Despatch No. . . on that subject was prepared.

Any additional information is valuable upon a question of so much doubt and obscurity, and the suggestions are well worth attention, considering the quarter from which they come. But I would not inumber my other Despatch, already so voluminous, with the matter herewith transmitted, nor make it part of the positive instructions to your Excellency.

I rely confidently on your Excellency's ability and zeal to make the best arrangements that can be made for the interests of your country to the extent of the most sanguine of the views opened in these enclosures, but I am not willing to instruct you to break off the negotiations on a demand of greater advantages, if you find that you can obtain the terms laid down in my other Despatch, and that you cannot obtain any improvement of them.

I have, &c.,

(Signed) GEORGE CANNING.

Sir Charles Bagot,
&c., &c., &c.

*Not distinct, ful (?)—D.R.C.

†See Appendix No. 8, p. 54. Sir John Barrow's letter of 14th January, 1824.—D.R.C.

No. 11.

SIR C. BAGOT TO RIGHT HON. G. CANNING.

(No. 23.)

ST. PETERSBURGH, March 17-20, 1824.

SIR,—It is with a feeling of considerable disappointment that, after constant negotiation for more than six weeks, after having gone to the utmost limit of your instructions, and after having taken upon myself to go even far beyond them, I should nevertheless have to acquaint you that I have entirely failed in inducing the Russian Government to accede to what I consider to be a fair and reasonable adjustment of our respective pretensions on the north-west coast of America, or to the adoption of any line of territorial demarcation which appears to me to be reconcilable under the spirit of your instructions with our legitimate interests in that quarter of the world.

In order that I may put you in complete possession of the whole course of my negotiation upon this subject, and may explain the precise grounds upon which I have felt myself compelled to suspend for the present all further proceedings in this business, it will I fear be necessary that I should enter into detail, and that I should load this Despatch with several papers which are now become of importance.

It was on the 16th of last month that I had my first conference upon this question with the Russian Plenipotentiaries, Count Nesselrode and M. Poletica. I opened this conference by explaining to the Plenipotentiaries the reasons for which His Majesty had judged it advisable to treat separately upon this matter rather than as it had been originally intended in concert with the Government of the United States. I then laid before them Count Lieven's note to you of the 31st January, 1823, proposing that the question of strict right should be provisionally waived on both sides, and that the adjustment of our mutual pretensions should be made upon the sole principle of the respective convenience of both countries.

This basis of negotiation being willingly accepted by all parties, I stated that so far as I understood the wishes and interests of Russia, her principal object must be to secure to herself her fisheries upon the islands and shores of the north-west coasts of North America, and the posts which she might have already established upon them; that on the other hand our chief objects were to secure the posts upon the continent belonging to the Hudson's Bay Company, the embouchures of such rivers as might afford an outlet for our fur trade into the Pacific and the two banks of the Mackenzie River; that in the belief that such were our respective objects, I would propose as our boundary a line drawn through Chatham Straits to the head of Lynn Canal, thence north-west to the 140° of longitude west of Greenwich and thence along that degree of longitude to the Polar Seas.

This proposal was made by me verbally, and was taken for consideration by the Russian Plenipotentiaries, who at our next meeting offered a Contre-Projet, which I afterwards requested might be reduced to writing, and of which I now enclose a copy marked A.*

In offering this Contre-Projet Count Nesselrode seemed to intimate that however disposed the Emperor might be to retract pretensions advanced by himself which might be thought to conflict with the interests of other powers, it would be asking too much of the imperial dignity to require that pretensions advanced 25 years ago by the Emperor Paul, and which had hitherto been undisputed, should be now renounced. I thought it my duty upon an intimation of this kind being made to declare at once that all considerations of such a nature were incompatible with the stipulated basis of our negotiation, and that if the question of national dignity was to be touched, I, too, should have much to say upon that head, and should probably find it quite impossible to make those concessions which, upon the simple ground of mutual convenience, I might perhaps without difficulty do. This explicit declaration had its desired effect, and the Russian Plenipotentiaries engaged not to introduce again arguments of this kind into our discussions.

As the Contre-Projet offered to me appeared to be, generally speaking, entirely inadmissible, I drew up such a modification of my original proposal as would, I thought, meet the only reasonable objection made to it (an objection made in conversation by the Russian Plenipotentiaries), viz., the inconvenience which Russia might experience by vessels of the United States claiming a right, under their Convention with Great Britain, to visit the waters lying between King George's Archipelago and the Islands and Continent to eastward of it, and which might in this manner seriously annoy the subjects of His Imperial Majesty in their pursuits and occupations upon those shores.

This modification of my first proposal will be found in the enclosed paper marked B,* which I delivered to the Russian Plenipotentiaries at our next conference.

You will observe that in making the proposal so modified, I, in fact, exceeded in some degree the strict letter of your instructions, by assigning to Russia the islands lying between Admiralty Island to the north, and Duke of York and Prince of Wales islands to the south, but I entertained sanguine expectations that such a proposal, coupled with the concession of a line of coast extending ten marine leagues into the interior of the continent, would have been considered as amply sufficient for all the legitimate objects which Russia could have in view, and quite as much as she could pretend to with any shadow of real claim or justice.

So far, however, from this being the case, my amended proposal was met at our next conference by observations which I again requested might be reduced to writing, and which will be found in the enclosed paper marked C.†

As in this paper parts of the main continent to which Russia cannot by possibility have acquired any claim, and of which Great Britain is at this moment in partial occupation, are offered to His Majesty in the light of concessions, it became necessary for me to reject any such offers as a boon in the most explicit terms, and you will find that I have not failed to do so in the enclosed paper marked D,‡ with which I replied to the paper in question.

As, however, I felt strongly the importance of adjusting this business, if possible, at the present moment, and as I felt also that, although the Russian Plenipotentiaries had, in consequence of my former remarks, agreed to waive altogether all question of national dignity in discussing it, His Imperial Majesty might yet possibly feel an invincible repugnance to retract from the pretensions advanced by the Emperor Paul in the Charter given to the Russian American Company in 1799 (however unacknowledged by other powers such pretensions might have been), I thought that I should not act in opposition to the spirit, at least, of my instructions if in deference to such a sentiment on the part of the Emperor, and with a view to finish the business quickly, I ventured to make yet one other proposition which, while it saved this point of dignity to Russia by giving to her the 55th degree of latitude as her boundary upon the islands, might preserve also uninterrupted our access to the Pacific Ocean, and secure to His Majesty the 56th degree of north latitude as the British boundary upon the coast.

The proposition by which I had hoped to effect these objects will also be found in the paper marked D,‡ in delivering which I gave it clearly to be understood that it contained my ultimate proposition.

It was not till the day before yesterday, that is nearly ten days after I had given in this paper, that I was invited to another conference, when I was informed that the Imperial Government had, after anxious consideration, taken their final decision, and that they must continue to insist upon the demarcation as described by them in the first paper marked A.

Finding this to be the case, I repeated that I had already gone far beyond the utmost limit of my instructions, and that I was sorry to say that I must now consider the negotiations as necessarily suspended so far at least as the question of territorial demarcation was concerned.

Count Nesselrode then inquired whether I should object to transmit to my Court the final decision of himself and M. de Poletica as it is declared in the enclosed paper marked E,|| and whether I did not think that His Majesty's Government, seeing how slight our disagreement was, might not be disposed to furnish me with such further instructions as would enable me to meet the views of the Russian Government, informing me at the same time that it was intended to acquaint Count Lieven by the courier who is to be despatched to-night to London with the course which the negotiation had taken, and to instruct him to hold some conversation with you upon the subject.

I told Count Nesselrode that I should of course feel it to be my duty to transmit this and all other papers connected with the negotiation to you without loss of time, but that I could not by any means take upon myself to say what might be the opinion of His Majesty's Government as to the pretensions so tenaciously adhered to by the Imperial Government further than by saying that certainly they were such as had never been contemplated by my Court in the instructions with which I had as yet been furnished, and that if a territorial arrangement perfectly satisfactory to both parties could not now be made, it might possibly be thought by my Government that our respective pretensions might still remain without any serious inconvenience in the state in which they had before stood, and that it would only be necessary for the present to confine their attention to the adjustment of the more urgent point of the maritime pretension, a point which would not admit of equal postponement.

* p. 42.

† p. 43.

‡ p. 44.

|| p. 45.

In reply to this observation, Count Nesselrode stated, to my extreme surprise, that if the territorial arrangement was not completed, he did not see the necessity of making any agreement respecting the maritime question; and I found myself most unexpectedly under the necessity of again explaining very distinctly, both to him and to M. Poletica, that the maritime pretension of Russia was one which, violating as it did the first and most established principles of all public maritime law, admitted neither of explanation or modification, and that my Government considered themselves possessed of a clear engagement on the part of Russia to retract in some way or other a pretension which could neither be justified nor enforced.

Here the matter rested, but I ought to state that, notwithstanding this unexpected observation of Count Nesselrode, I do not at all believe that, had we been able to agree upon our southern line of demarcation, we should have found any real difficulty either as regards the retraction of the maritime pretension, or as regards our western boundary, or any other of the details which we should have been called upon to adjust; but the observation was made, and considering what has already passed upon this subject, both here, in London, and in America, considering also the delicacy with which His Majesty had left it to the Russian Government themselves to frame the terms in which their retraction of this preposterous pretension should be made, His Majesty's Government may perhaps think it advisable that Count Lieven should be again given clearly to understand that it is a point to which no slight importance is attached by His Majesty, and that the pretension, as it now stands, will admit of no remedy but that of public, formal, and precise retraction in some shape or another.

Such has been the course of my late negotiation upon this question, and such the grounds upon which I have thought it my duty to suspend it for the present.

I know full well the inconvenience of breaking off such a negotiation in such a stage, and upon a point which, judging only by the map, might perhaps appear of so little real importance to His Majesty's present interests, but when I consider by how much I have already exceeded my instructions, how more than doubtful is the real right of this Government to any part of the territory in most immediate dispute, and how much more exorbitant are their pretensions upon the North-west Continent of America than I had before had reason to suspect, I certainly could not venture to take upon myself the heavy responsibility of making any further concessions of a territory, the value and possible local advantage of which I had no means of estimating, and which I believe are as yet imperfectly known.

It is somewhat remarkable that, whilst the Russian pretension of maritime jurisdiction stands unrecalled amongst the Oukazes of the Imperial Government, a note, such as that of which I herewith enclose a copy,* should have been addressed to me in the midst of our negotiations, asking protection for a Russian ship to navigate in safety those very seas and visit those very shores which the Court of Russia has by such high-handed decrees declared to be a part of her exclusive dominions, and a part too, which the other powers of the world are forbidden to approach.

I have not yet answered this note, but if I am pressed to do so before I receive the instructions of His Majesty's Government in respect to it, I shall certainly grant the certificate required, as was done in a former and similar instance by Lord Cathcart.

I have, &c.,

(Signed) CHARLES BAGOT.

The Right Hon. George Canning.

No. 12.

A.

CONTRE-PROJET SUBMITTED BY RUSSIAN PLENIPOTENTIARIES.

Les propositions faites par les Plénipotentiaires de Russie à Sir Charles Bagot et que Son Excellence a été priée de prendre en haute considération, tendoient à faire admettre le 55^{me} degré de latitude septentrionale comme ligne de démarcation entre les possessions respectives sur la côte N.O. de l'Amérique.

Cette même limite a déjà été assignée aux possessions Russes par la charte que l'Empereur Paul 1^{er} accorda à la Compagnie Américaine.

Comme la parallèle du 55^{me} degré coupe l'île du Prince de Galles dans son extrémité méridionale, laissant en dehors deux points de terre les Plénipotentiaires de Russie ont proposé que ces deux points fussent comprises dans les limites Russes voulant éviter par là, une division de territoire également incommode aux deux parties intéressées.

* Not printed.

Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte.

De ce point la limite remonterait le long de ces montagnes parallèlement aux sinuosités de la côte, jusqu'à la longitude du 139^{me} degré (méridien de Londres) degré dont la ligne de prolongation vers le Nord, formerait la limite ultérieure entre les Possessions Russes et Anglaises au Nord, comme à l'Est.

Le motif principal qui force la Russie à insister sur la Souveraineté de la lisière indiquée plus haut sur la terre ferme depuis le Portland Canal jusqu'au point d'intersection du 60° avec le 139° de longitude, c'est que, privée de ce territoire, la Compagnie Russe Américaine n'aurait aucun moyen de soutenir ses établissements qui seraient dès lors sans point d'appui; et qui ne pourraient avoir aucune solidité.

En revanche la Russie se ferait un devoir d'ouvrir aux sujets de Sa Majesté Britannique la libre navigation de tous les fleuves qui aboutissent à l'Océan dans cette même lisière.

Pour donner une dernière preuve de son empressement à aller au devant des vœux du Gouvernement Anglais, elle ouvrirait aussi au commerce des sujets de Sa Majesté Britannique et à leurs vaisseaux, le port de Novo Archangelsk dans le cas où les propositions ci-dessus seraient acceptées.

No. 13.

B.

MODIFICATION OF THE FIRST PROPOSAL ORIGINALLY MADE BY SIR C. BAGOT.

Comme il a été convenu de prendre pour base de négociations les convenances mutuelles des deux pays, il est à remarquer, en réponse à la proposition faite par les Plénipotentiaires Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'île du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de là jusqu'aux montagnes qui bordent la côte, et de là le long de ces montagnes jusqu'à la longitude du 139^{me} degré, etc., ôteraient à Sa Majesté Britannique la souveraineté de toutes ces anses et de ces petites baies qui se trouvent entre les latitudes 56° et 54° 45' dont plusieurs (à ce qu'il y a tout lieu à croire) communiquent directement aux établissements de la Compagnie de Hudson's Bay, et seraient par conséquent d'une importance essentielle pour son commerce; tandis que de l'autre côté la Compagnie Russe Américaine ne possède aucun établissement sur la terre ferme entre les deux parallèles sus mentionnées, ni même sur l'île du Prince de Galles, ni sur les îles qui sont situées entre celle-ci et la terre ferme.

En acceptant la proposition faite par Sir Charles Bagot dans sa première conférence avec les Plénipotentiaires Russes il n'y aurait (à ce qu'il paraît) qu'un seul inconvénient pour la Russie celui qui pourrait résulter du droit que réclamerait peut-être les Etats-Unis, en vertu de leur Convention avec la Grande-Bretagne de l'année 1818 de naviguer librement dans tous les parages entre l'île du Roi George, et la terre ferme, et de gêner ainsi de quelque sorte le commerce des sujets de Sa Majesté Impériale dans ces eaux.

Pour obvier à cet inconvénient et pour assurer à la Russie l'entière souveraineté de ces parages, ainsi que toutes les îles et les côtes où il y a effectivement des établissements Russes, la Grande-Bretagne proposerait de prendre pour ligne de démarcation entre les territoires des deux puissances une ligne tracée de l'Ouest vers l'Est, par le milieu du canal qui sépare les îles du Prince de Galles et du Duc d'York de toutes les îles situées au Nord des dites îles jusqu'à ce qu'elle touche la terre ferme.

De là se prolongeant dans la même direction sur la terre ferme jusqu'à un point distant de la côte de dix lieues marines, la ligne remonterait de ce point vers le Nord et le Nord Ouest, parallèlement aux sinuosités de la côte et toujours à la distance de dix lieues marines du rivage, jusqu'au 140^{me} degré de longitude (de Greenwich) dont elle suivrait alors le prolongement jusqu'à la mer polaire.

No. 14.

C.

OBSERVATIONS MADE BY THE RUSSIAN PLENIPOTENTIARIES ON THE AMENDED PROPOSAL OF SIR C. BAGOT.

Le motif qui a fait proposer l'adoption du principe des convenances mutuelles, et le premier avantage de ce principe, c'est d'empêcher que les établissements respectifs

sur la côte Nord Ouest ne puissent se nuire les uns aux autres et entrer en collision.

Les établissemens Anglais de la Compagnie de la Baie de Hudson et du Nord-Ouest tendent à se porter vers l'Ouest par les 53° et 54° de latitude septentrionale.

Les établissemens Russes de la Compagnie Américaine tendent à descendre au sud vers le 55^{me} parallèle et au delà car il est à remarquer que si la Compagnie Américaine n'a point encore formé d'établissement fixe sur la ligne mathématique du 55^{me}, il n'en est pas moins vrai qu'en vertu de son privilège de 1790—privilège contre lequel aucune Puissance n'a jamais réclamé—elle exploite la chasse et la pêche dans ces parages, et que régulièrement elle occupe les îles et les côtes avoisinantes dans la saison qui lui permet d'y envoyer ses chasseurs et ses pêcheurs.

Il étoit donc de la convenance mutuelle des deux empires d'assigner de justes limites à des progrès réciproques que ne pouvoient qu'occasionner avec le temps les plus fâcheuses complications.

Il étoit aussi de leur convenance mutuelle de déterminer ces limites d'après les séparations naturelles qui forment toujours les frontières les plus distinctes et les plus certaines.

C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du Continent au sud de *Portland Channel* dont l'origine dans les terres et par le 56^{me} degré de latitude N. et à l'Est la chaîne de montagnes qui suit à une très petite distance les sinuosités de la côte.

D'après les cartes les plus récentes et les meilleures publiées en Angleterre, les établissemens de la Compagnie de la Baie de Hudson, ne se rapprochent des côtes que par le 53° et le 54^{me} degré, et l'on ne sauroit prouver que sur aucun point ils arrivent jusqu'au grand océan.

Prendant d'après le principe des convenances mutuelles le projet d'arrangement des Plénipotentiaires de Russie, laisse ouverts à l'extension successive des Colonies Anglaises :

1° Toute la partie de la côte entre l'embouchure du *Portland Channel* et le 51^{me} degré de latitude Nord envisagé comme limite des possessions Russes dans l'Oukaze du 4-16 Septembre, 1821.

2° Tout le territoire situé entre les établissemens Anglais au 54^{me} et l'origine du *Portland Channel* qui est au 56^{me} parallèle.

3° Tout le territoire situé derrière la chaîne de montagnes dont il a été question ci-dessus jusqu'au point d'intersection du 139^{me} degré de longitude (méridien de Greenwich).

Les Plénipotentiaires de Sa Majesté Impériale prévoyant même le cas, où, sur la lisière de la côte, qui appartiendrait à la Russie, il trouveroit des fleuves au moyen desquels les établissemens Anglais pourroient communiquer avec l'océan, se sont empressés d'offrir par une stipulation éventuelle la libre navigation de ces fleuves.

Ils ont en outre annoncé à Son Excellence Sir Charles Bagot que le Port de Novo Archangelsk sera ouvert au commerce des sujets de Sa Majesté le Roi de la Grande-Bretagne.

D'autres part les Plénipotentiaires de Russie ont l'honneur de lui observer itérativement que sans une lisière sur la côte du continent à partir du *Portland Channel*, les établissemens Russes des îles du voisinage n'auroient aucun point d'appui, qu'ils seroient à la merci de ceux que des étrangers formeroient sur la terre ferme, et que tout arrangement semblable, loin d'être fondé sur le principe des convenances mutuelles ne présenteroit que des dangers à l'une des parties et des avantages exclusifs à l'autre.

On ne parlera point ici des deux pointes de l'île du Prince de Galles qui sont situées au-dessous de la ligne du 55^{me} degré de latitude Nord. Ces deux pointes ne pourroient être d'aucune utilité à la Grande-Bretagne et si les neuf-dixièmes de l'île du Prince de Galles appartiennent à la Russie, il est évidemment d'un intérêt réciproque que l'île lui appartienne toute entière.

Ce court exposé suffit pour justifier le projet que les Plénipotentiaires de Sa Majesté Impériale ont remis à Sir Charles Bagot et sur la teneur duquel ils ne peuvent qu'insister.

Ils espèrent du reste que les intentions qui ont dicté ce projet seront appréciées tant par l'Ambassadeur de Sa Majesté Britannique que par son Gouvernement.

No. 15.

D.

SIR C. BAGOT'S OBJECTIONS TO THE OBSERVATIONS MADE BY THE RUSSIAN PLENIPOTENTIARIES ON HIS AMENDED PROPOSALS, NOW FURTHER MODIFIED.

La Découverte ou la simple occupation de quelques îles situées sur la côte d'un continent ne peut donner aucun droit à la souveraineté de la terre ferme voisine, prin-

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cipe qui n'est pas moins fondé sur l'opinion reconnue des juristes les plus célèbres que sur l'usage universellement observé entre les nations.

D'après ce principe Sir Charles Bagot a constamment soutenu dans les conférences qu'il a eu l'honneur d'avoir avec les Plénipotentiaires de Russie, que Sa Majesté Britannique ne saurait admettre que les droits de la Russie sur la côte Nord Ouest du Continent d'Amérique puissent s'étendre vers le midi sur ce continent au delà du point où la Russie aura actuellement formé des établissements.

Il n'a jamais été affirmé par les Plénipotentiaires de Sa Majesté Impériale que la Russie possède des établissements quelconques sur la terre ferme au Sud du 60^{me} ou 50^{me} degré de latitude Nord, mais ils ont déclaré que privée d'une lisière sur la terre ferme, la Compagnie Russe Américaine n'aurait aucun moyen de soutenir ses établissements sur les îles, que seroient dès lors sans point d'appui et ne pourroient avoir aucune solidité.

Tout argument fondé sur la considération de la convenance pratique de la Russie, ne pouvoit être que du plus grand poids, et le Plénipotentiaire de Sa Majesté Britannique n'hésita plus d'abandonner, en conséquence de cette observation des Plénipotentiaires de Russie la ligne de démarcation qu'il avoit d'abord proposée, savoir, celle qui devoit passer par le milieu de Chatham Straits jusqu'à l'extrémité septentrionale de Lynn Canal et de là à Mont Elias, ou à l'intersection du 140^{me} degré de longitude, et d'en proposer une autre qui assureroit à la Russie non seulement une lisière sur le continent, vis-à-vis de l'établissement le plus méridional qu'elle possède sur les îles, mais qui lui assureroit aussi la possession de toutes les îles et les eaux qui l'avoisinent, ou qui se trouvent placées entre cet établissement et la terre ferme, la possession enfin de tout ce qui se pourroit devenir, par suite, de quelque utilité, ou pour sa solidité ou pour sa prospérité.

Mais le Plénipotentiaire de Sa Majesté Britannique ne peut pas admettre que la Russie accorderoit ou assureroit à Sa Majesté Britannique un nouvel avantage par sa renonciation à la partie de la côte située entre l'embouchure du Portland Canal et le degré de latitude envisagé comme limite des Possessions Russes dans l'Oukase de 1821, ni même par sa renonciation à toute partie du continent au midi des établissements qui y ont été déjà formés; car, quand même Sa Majesté Britannique eut jamais reconnu ce degré de latitude comme formant la ligne de démarcation en autant qu'il regarde les îles, elle ne pourroit d'après le principe énoncé plus haut l'avoir reconnu comme limite sur le continent voisin, sur lequel la Compagnie de la Baie de Hudson avoit déjà établi plusieurs de ses postes les plus importants.

Cette Compagnie a en effet, des établissements même près de la côte au Nord du 55^{me} degré; Sa Majesté Britannique ne pourroit donc sans sacrifier les intérêts de la compagnie renoncer à ses droits à la souveraineté de la côte et des îles qui la dépendent immédiatement jusqu'à la hauteur de 56° 30' de latitude Nord quel que soit le degré de latitude que l'on pourra définitivement convenir de prendre pour limite entre les deux puissances en autant qu'il concerne les îles situées plus à l'Ouest.

L'origine du Portland Canal peut être comme il y a lieu à croire, l'embouchure de quelque fleuve qui coule par le milieu du pays occupé par la Compagnie de la Baie de Hudson, et il est par conséquent d'une importance majeure à la Grande-Bretagne d'en posséder la souveraineté des deux rives.

Ce fut dans l'espoir de pouvoir concilier ces objets indispensables avec ceux du Gouvernement Impérial, et de déterminer sans plus de délai, une question qu'il paraitroit être également de l'intérêt des deux parties d'arranger définitivement au moment actuel que le Plénipotentiaire de Sa Majesté Britannique eut l'honneur de proposer dans sa dernière conférence avec les Plénipotentiaires de Russie, une ligne de démarcation qui tout en conservant à la Russie pour limite méridionale sur les îles le degré de latitude désigné par l'Oukase de 1799, assigneroit en même temps à la Grande-Bretagne pour limite sur la côte de la terre ferme la latitude de 56° 30' Nord.

Il semble qu'une ligne tracée de l'extrémité méridionale du Détroit nommé "Duke of Clarence's Sound" par le milieu de ce détroit jusqu'au milieu du détroit qui sépare les îles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles, de là vers l'est par le milieu du même détroit jusqu'à la terre ferme, et se prolongeant ensuite dans la direction et de la manière déjà proposée par le Plénipotentiaire de Sa Majesté Britannique jusqu'à Mont Elias, ou à l'intersection du 140^{me} degré de longitude, formeroit une ligne de démarcation qui concilieroit peut-être d'une manière satisfaisante les intérêts réciproques tant actuels que futurs des deux empires dans cette partie du globe.

No. 18.

E.

DECISION OF RUSSIAN GOVERNMENT IN WHICH THEY INSIST UPON THE DEMARCATION AS DESCRIBED IN THEIR CONTRE-PROJET (PAPER MARKED A.).

St. Petersburg, le 17-29 Mars, 1824.

Les Plénipotentiaires de Russie ont porté à la connoissance de l'Empereur leur maître les dernières propositions qui leur ont été faites par Sir Charles Bagot relativement à la ligne de démarcation qui sépareroit les Possessions Russes des Possessions Anglaises sur la côte Nord Ouest du continent de l'Amérique.

Attentivement examinée par Sa Majesté Impériale ces propositions ne lui ont point paru de nature à pouvoir être acceptées.

L'Empereur charge ses Plénipotentiaires de déclarer itérativement à Mons. l'Ambassadeur d'Angleterre :

Que la possession de l'île du Prince de Galles sans une portion de territoire sur la côte située vis-à-vis de cette île ne pourroit être d'aucune utilité à la Russie.

Que tout l'établissement formé sur la dite île, ou sur celles qui l'environnent se trouveroit en quelque sorte tourné par les établissemens Anglais de la terre ferme et complètement à la merci de ces derniers.

Qu'en conséquence un arrangement semblable ne seroit nullement conforme au principe des convenances mutuelles.

Qu'au reste d'après le témoignage des cartes les plus récentes publiées en Angleterre il n'existe aucun établissement Anglais ni sur la côte même du continent, ni au nord du 54^{me} degré de latitude septentrionale.

Qu'ainsi quand les limites fixées aux possessions Russes par la charte de 1799, n'auroient point en leur faveur depuis 25 ans le consentement tacite de toutes les Puissances encore la Russie exerceroit-ell sur cette partie de la côte précisément les mêmes droits que la Grande-Bretagne, d'où il résulte que la question devoit toujours être résolue, non d'après les intérêts exclusifs d'un des deux Empires mais de manière à concilier leurs intérêts réciproques.

Qu'enfin quant à la navigation des fleuves, la Russie croyoit avoir offert à la Grande-Bretagne tous les avantages et toutes concessions que celle-ci peut désirer ; et que dans cet état de choses les Plénipotentiaires de Sa Majesté Impériale avoient ordre d'insister sur leurs propositions antérieures, propositions dont ils ont amplement développé les motifs à Son Excellence Monsieur le Chevalier Bagot.

L'Empereur espère que ces motifs seront appréciés par le Gouvernement de Sa Majesté Britannique et que Mons. l'Ambassadeur d'Angleterre les fera valoir avec ce désir de rapprocher les opinions respectives qu'il a manifesté dans tout le cours de cette négociation.

Sa Majesté Impériale est au regret de ne pas la voir terminer dès à présent, mais Elle se flatte que les résolutions définitives du Cabinet de Londres, empêcheront sans doute ces pourparlers de demeurer stériles.

No. 17.

COMTE DE NESSELRODE to COMTE DE LIEVEN.

MONS. LE COMTE,

St. Petersburg, Avril 5, 1824.

Par mes dépêches du 17 de ce mois j'ai fait connaître à Votre Excellence les résultats peu satisfaisans de nos négociations avec Sir Charles Bagot relatives aux frontières qui doivent séparer les Possessions Russes des Possessions Anglaises sur la côte Nord Ouest de l'Amérique.

Aujourd'hui Mons. le Comte, je vous développerai les motifs, qui ne nous ont pas permis d'accepter les propositions de l'Ambassadeur d'Angleterre.

Pour ne pas entrer sans nécessité dans de trop longs détails, je me bornerai à discuter ici le point de la question sur lequel nous n'avons pu tomber d'accord.

L'Oukase du 4-16 Septembre 1821 avoit porté jusqu'au 51° de latitude septentrionale les limites des domaines de la Russie sur la côte Nord Ouest du continent Américain. Cependant l'Empereur s'étant convaincu que presque à la même époque la Compagnie Anglaise de la Baie d'Hudson avoit formé des établissemens par les 53° et 54° de latitude septentrionale, et que ces établissemens n'étoient même plus très éloignés de la côte, nous autorisa à donner dès l'ouverture des négociations une preuve de ses

* See Appendix No. 38, p. 67.

intensions conciliantes en déclarant à Sir Charles Bagot que nous nous tiendrons aux limites assignées à nos possessions Américaines par la charte de l'Empereur Paul, qu'en conséquence la ligne du 55^{me} degré de latitude septentrionale, constituerait du midi la frontière des Etats de Sa Majesté Impériale que sur le continent et vers l'Est, cette frontière pourroit courir le long des montagnes que suivent les sinuosités de la côte jusqu'au Mont Elie, et que de ce point jusqu'à la mer Glaciale nous fixerions les bornes des possessions respectives d'après la ligne du 140^{me} degré de Longitude Ouest (méridien de Greenwich).

Afin de ne pas couper l'île Prince de Galles, qui selon cet arrangement devoit rester à la Russie nous proposons de porter la frontière méridionale de nos domaines au 54° 40' de latitude et de la faire aboutir sur le continent au Portland Canal dont l'embouchure dans l'Océan est à la hauteur de l'île du Prince de Galles et l'origine dans les terres entre le 55° et 56° de latitude.

Cette proposition ne nous assureroit qu'une étroite lisière sur la côte même, et elle laisseroit aux établissemens Anglais tout l'espace nécessaire pour se multiplier et s'étendre.

Vous verrez M. le Comte par les pièces ci-jointes qu'en outre nous annonçons l'ouverture du port de Novo Archangelak et que nous promettons la libre navigation des fleuves qui se trouveroient sur notre territoire.

Après quelques discussions les dernières contre-propositions de Sir Charles Bagot, furent de comprendre toute l'île de Prince de Galles dans les possessions de la Russie, mais de stipuler que notre frontière suivroit de cette île la passe dite *Duke of Clarence's Sound*, et qu'elle n'aboutiroit à la côte qu'au-dessus de 56° de latitude septentrionale.

Cette différence si on la considère sur la Carte, paroît insignifiante au premier coup d'œil; elle est néanmoins si essentielle pour nous qu'il nous est absolument impossible d'adhérer au plan de démarcation tracé par le Plénipotentiaire de Sa Majesté Britannique.

Nous lui avons exposé dans notre réponse à la seconde note verbale et dans notre réplique du 18 Mars, des considérations que nous ne pouvons perdre de vue et qui nous semblent décisives. L'Empereur vous charge Mons. le Comte d'inviter le Cabinet de St. James à les peser avec la plus mûre attention, et Sa Majesté se flatte qu'à la suite d'un examen impartial, il s'empresera lui-même de reconnoître combien nos raisons sont graves et légitimes.

En premier lieu aucun état n'a réclamé contre la charte de l'Empereur Paul, et ce silence universel peut et doit être envisagé comme une reconnaissance de nos droits.

On nous objecte que nous n'avons pas formé d'établissements stables sur la côte Nord Ouest au-dessous de 57° de latitude. Cela est vrai, mais dans la saison de la chasse et de la pêche, la côte et les eaux avoisinantes sont exploitées par notre Compagnie Américaine bien au delà du 55° et du 54° parallèle. Ce genre d'occupation est le seul dont ces parages soient susceptibles, ou du moins le seul qui soit nécessaire lorsqu'un peu plus au nord on a fondé et organisé des colonies. Nous sommes donc pleinement en droit d'insister sur la continuation d'un bénéfice que votre commerce s'est assuré dès l'année 1799; tandis que les Compagnies Anglaises de la Baie d'Hudson et du Nord Ouest ont à peine atteint depuis trois ans le voisinage de ces latitudes, tandis qu'elles n'occupent encore aucun point qui touche à l'Océan et qu'il est notoire que c'est pour l'avenir seulement qu'elles cherchent à s'y ménager les profits de la chasse et de la pêche. Ainsi nous voulons *conserver*, et les Compagnies Anglaises veulent *acquérir*. Cette seule circonstance suffit pour justifier nos propositions. Elles ne sont pas moins conformes aux principes des convenances mutuelles, qui devoit servir de base à la négociation.

Si l'île du Prince de Galles nous demeure, il faut qu'elle puisse nous être de quelque utilité. Or d'après le plan de l'Ambassadeur de l'Angleterre, elle ne seroit pour nous qu'une charge et presque un inconvénient. Cette île, en effet, et les établissemens que nous y formerions, se trouveroient entièrement isolés, privés de tout soutien, enveloppés par les domaines de la Grande-Bretagne et à la merci des établissemens Anglais de la côte. Nous nous épuiserions en frais de garde et de surveillance dont aucune compensation n'allégeroit le fardeau. Un arrangement pareil reposeroit-il sur le principe des convenances mutuelles?

Nous invoquons toutefois ce principe avec d'autant plus de justice que l'Angleterre elle-même a prouvé par un acte authentique, qu'elle regardoit comme douteux ses droits sur le territoire dont elle demande l'abandon. La Convention passée le 20 octobre 1818 entre la Cour de Londres et les Etats-Unis déclare propriété commune des deux Puissances pour dix ans, toute l'étendue de pays comprise entre les Rocky Mountains, l'Océan Pacifique et les possessions Russes. Les titres des Etats-Unis à la souveraineté de ce pays sont donc aussi valables que ceux de l'Angleterre.

Cependant le Cabinet de Washington a reconnu que nos limites devoient descendre jusqu'au 54° 40'. Il l'a reconnu par une transaction formelle que nous venons de parapher avec son Plénipotentiaire, et cette reconnaissance n'a point pour conséquence uni-

que de fortifier nos argumens, elle nous procure d'autres résultats auxquels nous attachions avec raison, le plus haut intérêt.

Tranquilles de ce côté nous n'avons maintenant aucune crainte à nourir, et le Cabinet de Londres conviendra sans doute, qu'un tel état de choses augmente le prix des sacrifices que nous lui offrons. Déjà il existe une différence de près de quatre degrés entre la démarcation de l'Oukase du 4-16 Septembre 1821, et celle que nous indiquons aujourd'hui. Les établissemens des Compagnies Anglaises peuvent occuper cet intervalle. A l'Est ils peuvent unir les deux côtes de l'Amérique, au midi rien n'empêche qu'ils n'acquièrent une extension considérable. Pour nous, nous bornons nos demandes à celle d'une simple lisière du continent, et afin de lever toute objection, nous garantissons la libre navigation des fleuves, nous annonçons l'ouverture du port de Novo Archangelsk.

La Russie ne sauroit pousser loin ses concessions. Elle n'en fera pas d'autres, et elle est autorisée à en attendre de la part de l'Angleterre, mais encore une fois elle ne réclame que des concessions négatives. On ne peut effectivement assez le répéter, d'après le témoignage des cartes les plus récentes, l'Angleterre ne possède aucun établissement, ni à la hauteur du Portland Canal, ni à bord-même de l'Océan, et la Russie quand elle insiste sur la conservation d'un médiocre espace de terre ferme, n'insiste au fond que sur le moyen de faire valoir, nous dirons plus, de ne pas perdre les fies environnantes. C'est la position dont nous parlions tout à l'heure; nous ne recherchons aucun avantage, nous voulons éviter de graves inconvéniens.

En résumé Mons. le Comte, si l'on consulte le droit dans cette négociation, la Russie à celui qu'assurent, d'une part, un consentement tacite, mais incontestable, de l'autre, une exploitation paisible depuis vingt cinq ans et qui peut être considérée comme équivalente à une occupation continue.

Si l'on invoque le principe des convenances mutuelles, la Russie laisse au développement progressif des établissemens Anglais, une vaste étendue de côte et territoire; elle leur assure de libres débouchés, elle pourvoit aux intérêts de leur commerce, et pour compenser tant d'offres dictées par le plus sincère esprit de conciliation, elle se réserve uniquement un point d'appui, sans lequel lui lui serait impossible de garder une moitié de ses domaines.

De telles vues n'ont besoin que d'être présentées dans leur vrai jour, pour qu'un Gouvernement comme celui de la Grande-Bretagne sache les apprécier. Douter de son adhésion dans cette circonstance, ce serait douter de sa justice, et il vous sera facile, l'Empereur se plaît à le croire, d'obtenir le consentement définitif de l'Angleterre à une transaction qui remplirait nos vœux et nos espérances en prévenant toute discussion ultérieure

Recevez, M. le Comte,
L'assurance, etc.,

(Signé) NESSELEDOE.

No. 18.

HUDSON'S BAY COMPANY TO FOREIGN OFFICE.

HUDSON'S BAY HOUSE, LONDON, April 10, 1824.

Sir,—I have this morning laid before the Committee of the Hudson's Bay Company Sir Charles Bagot's Despatch,* and papers connected with it, which you did me the honour to entrust to me on Saturday morning, and I am to state that if His Majesty's Government consider it advisable in other respects to accede to the last proposition made by the Russian Government for the arrangement of a line of demarcation between the possessions of Russia and Great Britain on the coast of North America, they see no reason to object to it, as it will affect their particular interests, and more especially as it appears to secure to them free access to the sea for the purposes of their trade on the whole coast to the eastward of the 139 degree of longitude.

They beg me, however, to suggest the expediency of some more definite demarcation on the coast than the supposed chain of mountains contiguous to it, and they conceive there can be no difficulty in arranging this point, from the expression in the proposition of the Russian negotiators, "La chaîne des montagnes, qui sont à très petite distance des sinuosités de la côte."

Neither party have any very accurate geographical information with respect to the country in the immediate neighbourhood of the sea, and if the intentions of the Russians are fairly to be inferred from the words used in their proposal, the most

* No. 11, p. 39.

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To the Right

(No. 18.)

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satisfactory manner of settling this point probably would be by inserting in any article providing for the boundary on the main land the nearest chain of mountains not exceeding a few leagues of the coast.

I am desired by the Committee further to beg, if these negotiations should be brought to a satisfactory issue, that you would have the goodness to state to the Russian Government their great desire to promote a good understanding and a reciprocity of good offices between the subjects of both nations trading in those remote and inhospitable countries.

I have, &c.,

To the Right Hon. George Canning,
&c., &c., &c.

(Signed) J. H. PELLY.

No. 19.

RIGHT HON. G. CANNING TO SIR C. BAGOT.

(No. 18.)

FOREIGN OFFICE, April 24, 1824.

(Extract.)

* * * * *

I will not, however, defer till that opportunity the informing your Excellency that your conduct in suspending the negotiations with respect to the North-west Coast of America, when you found that the modifications which you judiciously took upon yourself to make in your instructions were not met by corresponding concessions on the part of the Russian Government, has received His Majesty's gracious approbation. I have referred the whole question of this negotiation anew to the Governors of the Hudson's Bay Company, whose report I expect shortly to receive.

I have some reason to think that that report will recommend the policy of closing with the Russian proposals rather than leaving the points in dispute unsettled for an indefinite time. It will then remain to consider, after I shall have learnt the tenor of the instructions sent to Count Lieven, whether it may be most expedient for the King's service to carry on the ulterior discussions with the Russian Ambassador here or to authorize your Excellency to resume and conclude the negotiations.

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No. 20.

MR. PELLY (HUDSON'S BAY COMPANY) TO FOREIGN OFFICE.

(Private.)

3, Portman Square, May 26, 1824.

SIR.—If it is intended to conclude any treaty with Russia under the present circumstances, the copy of the communication which I saw yesterday embraced all the points which appear necessary to secure the objects of the Hudson's Bay Company, with the exception of a more particular description of how the mountains range with the sinuosity of the coast, as it is possible that those mountains represented in the charts as closely bordering on the sea, and described by the Russians as a "très petite distance," may really be at a very considerable distance from the coast; and to provide for which case the distance ought to be limited, as Sir Charles Bagot proposed, to a few leagues, say, not exceeding 10 from the shores. But the copy of the convention between Russia and America seems to have rendered the concessions proposed to be made by Great Britain (founded on the basis of mutual convenience) quite unnecessary, for by it Russia has bound herself in the 3rd Article not to form any establishment to the southward of $54^{\circ} 40'$, or Prince of Wales Island, and by the 4th Article it is covenanted that for ten years all vessels belonging to the two powers may reciprocally frequent all the harbours for the purposes of trade with the natives.

I am at a loss to understand how the great object of the arrangement (the prevention of the collision of the traders of the different powers) is to be attained by these means, or why Great Britain should cede to Russia the exclusive right to the islands and the coast from lat. $54^{\circ} 40'$ northward to Mount Elias, and to which Russia can have no claim, and knows them only by the English names of George III. and Prince of Wales Archipelago. Russia has nothing now to concede in return, the convention with the United States depriving her of the power of forming any establishment to the southward.

The view which I took of the subject when I had the honour of conferring with you thereon was, that it would be more for the interest of all parties that the limits of each power should be defined, and that, as far as the British fur trade was concerned, it would be better for Great Britain to surrender to Russia all claim she had to the Island of Prince of Wales and those to the northward of it, provided Russia surrendered to Great Britain all rights she had to the coasts and islands to the southward from the aforesaid island to the 51° lat. claimed in the famous Ukase. This would have facilitated the proposed arrangement between Great Britain and the United States of making the Columbia the boundary between them, but it appears to me that this convention between Russia and the United States renders it inexpedient for Great Britain to surrender any part of her claims to that coast unless upon a satisfactory arrangement with the United States as well as with Russia.

I should have to offer my apologies for the freedom with which I have given my sentiments had not Lord Francis Conyngham informed me it was your wish that I should do so.

Believe me, &c.,

Right Hon. Geo. Canning.

(Signed) J. H. PELLY.

No. 21

RIGHT HON. G. CANNING TO SIR C. BAGOT.

(No. 22.)

Foreign Office, May 29, 1824.

I transmit to your Excellency a copy of a letter which I have addressed to Count Lieven* upon the subject-matter of two Despatches from Count Nesselrode to Count Lieven which that Ambassador communicated to me, and copies of which I also have.

Your Excellency will learn from my letter to Count Lieven that you may expect to have instructions very shortly both for the conclusion of the negotiation relating to the north-west Coast of America ;

I hope to despatch a messenger to your Excellency with these instructions in the course of next week.

Meantime the enclosed paper will put your Excellency generally in possession of the sentiments of Her Majesty's Government upon these several subjects. But your Excellency will not take any step upon them until you shall have received my promised instructions.

I have, &c.,

Sir Chas. Bagot.

(Signed) GEORGE CANNING.

No. 22.

THE RIGHT HON. G. CANNING TO COUNT LIEVEN.

(Extract.)

FOREIGN OFFICE, May 29, 1824.

MONS. LE COMTE,—After mature consideration of the two Despatches from Count Nesselrode to your Excellency on the 5th ultimo, copies of which your Excellency had the goodness to put into my hands, I have the satisfaction to acquaint your Excellency that I shall be enabled shortly to send to Her Majesty's Ambassador at St. Petersburg such instructions on the subject-matter of both as shall meet in a great degree the wishes of your court.

1st. As to the line of demarcation to be drawn between Russia and British occupation on the north-west Coast of America : Sir Charles Bagot's discretion will be so far enlarged as to enable him to admit, with certain qualifications, the terms last proposed by the Russian Government.

The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted, in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias, in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned to Russia may comprehend.

* No. 22, p. 50.

† No. 17, p. 46. The second has not been traced.—D.R.C.

It can hardly be expected that we should not also put in our claim for the like privileges of trade as are, or may be, stipulated with Russia by any other nation; and we take for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the Ukase of September, 1821, are to be altogether withdrawn.

No. 23.

THE RIGHT HON. G. CANNING TO SIR C. BAGOT.

(No. 24.)

Extract.

FOREIGN OFFICE, June 29, 1824.

On this latter point* it is my intention to furnish your Excellency with a draft of Convention which you may sign before your departure from St. Petersburg.

No. 24.

THE RIGHT HON. G. CANNING TO SIR C. BAGOT.

(No. 26.)

FOREIGN OFFICE, July 12, 1824.

SIR.—After full consideration of the motives which are alleged by the Russian Government for adhering to their last propositions respecting the line of demarcation to be drawn between British and Russian occupancy on the North-west Coast of America, and of the comparative inconvenience of admitting some relaxation in the terms of your Excellency's last instructions, or of leaving the question between the two Governments unsettled for an indefinite time, His Majesty's Government have resolved to authorize your Excellency to consent to include the south points of Prince of Wales' Island within the Russian frontiers, and to take, as the line of demarcation, a line drawn from the southernmost point of Prince of Wales' Island, from south to north, through Portland Channel, till it strikes the mainland in latitude 56°; thence following the sinuosities of the coast along the base of the mountains nearest the sea to Mount Elias; and thence along the 139th degree of longitude to the Polar Sea.

I enclose the draft† of a Project of Convention, founded upon these principles, which your Excellency is authorized to sign previously to your quitting St. Petersburg.

The advantages conceded to Russia by the line of demarcation traced out in this Convention are so obvious as to render it quite impossible that any objection can reasonably be offered, on the part of the Russian Government, to any of the stipulations in our favour.

There are two points which are left to be settled by your Excellency. First, in fixing the course of the eastern boundary of the strip of land to be occupied by Russia on the coast. The seaward base of the mountains is assumed as that limit. But we have experience that other mountains on the other side of the American continent, which have been assumed in former treaties as lines of boundary, are incorrectly laid down in the maps; and this inaccuracy has given rise to very troublesome discussions. It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast, as far as Mount St. Elias, is not carried too far inland.

This is done by a proviso that the line shall in no case (*i.e.*, not in that of the mountains which appear by the map almost to border the coast, turning out to be far removed from it) be carried further to the east than a specified number of leagues from the sea. The utmost extent which His Majesty's Government would be disposed to concede would be a distance of 10 leagues. But it would be desirable if your Excellency were enabled to obtain a still more narrow limitation.

Secondly, Article 5 of the Project is copied from Article 4 of the Convention between Russian and the United States of America. By the American article the right of visiting respectively, and resorting to each others possessions, is limited to 10 years. This limitation is left blank in the Project.

We should have no objection to agree to the article without any limitation of time; we should prefer a longer period (*say*, 20 years) to that stipulated by the Ameri-

* North-west coast of America.

† No copy of this draft has been traced.—D.R.C.

cans. Your Excellency will obtain either of these extensions if you can, but you must not agree to a shorter term than 10 years.

Your Excellency will be careful to make it understood that this limitation of time cannot in any case extend to the use by Great Britain of the Harbour of New Archangel, still less of the rivers, creeks, &c., on the continent, the use of all which is in the nature of a compensation for the perpetual right of territory granted to Russia, and therefore must be alike perpetual. If your Excellency shall, as I cannot doubt, conclude and sign this Convention before your departure, you will make it a point to bring with you the ratification of the Russian Government to be exchanged by Count Lieven against that of His Majesty.

I am, &c.,

Sir Charles Bagot.

(Signed) GEORGE CANNING.

No. 25.

RIGHT HON. G. CANNING TO SIR C. BAGOT.

(No. 29.)

FOREIGN OFFICE, July 24, 1824.

The project of a Convention which is enclosed in my No. 26 having been communicated by me to Count Lieven, with a request that his Excellency would note any point in it upon which he conceived any difficulty likely to arise or any explanation to be necessary, I have received from his Excellency the Memorandum (a copy of which is herewith enclosed).

Your Excellency will observe that there are but two points which have struck Count Lieven as susceptible of any question; the first, the assumption of the *base* of the mountains, instead of the *summit*, as the line of boundary; the second, the extension of the right of the navigation of the Pacific to the sea beyond Behring's Straits.

As to the first, no great inconvenience can arise from your Excellency (if pressed for that alteration) consenting to substitute the *summit* of the mountains instead of the seaward base, provided always that the stipulation as to the extreme distance from the coast to which the *lisière* is in any case to run be adopted (which distance I have to repeat to your Excellency should be made as short as possible), and provided a stipulation be added that no forts shall be established or fortifications erected by either party on the summit or in the passes of the mountains.

As to the second point, it is perhaps, as Count Lieven remarks, new. But it is to be remarked in return that the circumstances under which this additional security is required will be new also.

By the territorial demarcation agreed to in this Project Russia will become possessed in acknowledged sovereignty of both sides of Behring's Straits.

The power which could think of making the Pacific a *mare clausum* may not unnaturally be supposed capable of a disposition to apply the same character to a strait comprehended between two shores, of which it becomes the undisputed owner. But the shutting up of Behring's Straits or the power to shut them up hereafter would be a thing not to be tolerated by England.

Nor could we submit to be excluded, either positively or constructively, from a sea in which the skill and science of our seamen has been and is still employed in enterprises interesting not to this country alone, but to the whole civilized world.

The protection given by the Convention to the American coasts of each power may (if it is thought necessary) be extended in terms to the coasts of the Russian Asiatic Territory; but in some way or other, if not in the form now prescribed, the free navigation of Behring's Straits and of the seas beyond them must be secured to us.

Those being the only questions suggested by Count Lieven, I trust I may anticipate with confidence the conclusion and signature of the Convention nearly in conformity to the Project and with little trouble to your Excellency.

The long delay or the ship makes it peculiarly satisfactory to me to have reduced your Excellency's task in this matter within so small a compass.

I am, &c.,

Sir Chas. Bagot,
&c., &c.

(Signed) G. CANNING.

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No. 26.

MEMORANDUM BY COUNTESS LIEVEN.—(24 July, 1894.)

Le projet de Convention rédigé par le Cabinet Anglais fait courir la limite des Possessions Russes et Anglaises sur la Côte Nord Ouest d'Amérique au Sud du Mont Elie, le long de la base des montagnes qui suivent les sinuosités de cette côte. Il est à observer qu'en thèse générale lorsqu'une chaîne de montagnes sert à fixer une limite quelconque, c'est toujours la cime de ces montagnes qui forme la ligne de démarcation. Dans le cas dont il s'agit ici, le mot de base par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne paraît guère propre à mettre la délimitation à l'abri de toutes contestations ultérieures car il ne serait point impossible, vu le peu de certitude des notions géographiques que l'on possède encore sur ces parages, que les montagnes désignées pour limite s'étendissent par une pente insensée jusqu'aux bords même de la côte.

Quant à la clause du même projet, ayant pour but d'assurer aux vaisseaux Anglais l'entrée libre dans la mer glaciale par le détroit de Behring, il semble en premier lieu que cette condition entièrement nouvelle est par sa nature étrangère à l'objet spécial de la négociation et les termes généraux dans lesquels elle est conçue feront peut-être hésiter le Gouvernement Impérial à l'admettre sans en modifier l'énoncé actuel pour ne point exposer les côtes de ses possessions Asiatiques dans la mer glaciale aux inconveniens qui pourraient naître de la visite des bâtimens étrangers.

No. 27.

THE RIGHT HON. GEO. CANNING TO COUNT DE LIEVEN.

(Extract.)

MONS. LE COMTE.

FOREIGN OFFICE, September 12, 1824.

It is with deep regret, and I confess with some surprise, that I have learnt from Sir Charles Bagot that your Court have declined to conclude the Treaty, the project of which was sent out by the "Herald."

This refusal is the more unexpected, as the chief alterations made in the original project were introduced here (as your Excellency can bear witness) at the suggestion of the Russian Plenipotentiaries themselves.

I have not yet had time to give sufficient consideration to the Contre-Projet now presented on the part of these Plenipotentiaries to be enabled to say positively whether it can be accepted in all its parts. But I would fain hope that the differences between us may not be insurmountable; and I do most earnestly entreat your Excellency to submit to your Court, by your first messenger, the expediency of sending to your Excellency instructions and full powers to conclude and sign the Treaty here.

No. 28.

HUDSON'S BAY COMPANY TO FOREIGN OFFICE.

HUDSON'S BAY HOUSE, October 20, 1824.

SIR,—I duly received Lord Francis Conyngham's letter of the 19th instant, with its enclosures, and it does not appear to me that the counter project of Russia is so essentially different from the one which His Majesty's Ministers have considered it advisable to propose to Russia, as far as the Hudson's Bay Company are concerned,* to reject it, except in the 2nd Article, which should more accurately define the eastern boundary from the Portland Canal to the 61° of north latitude to be the chain of mountains at a "très petite distance de la côte," but that if the summit of those mountains exceed ten leagues, that the said distance be substituted instead of the mountains.

It certainly would have been a more advisable arrangement had it been practicable to have made the straight between the mainland and the islands, instead of the mountains, the division not only a more natural one, but would have prevented the possibility of collision of the traders of the two countries, and if this could be now obtained, relinquishing the proposed licence of visiting and trading with the natives for a term of years, in that part of the territory to which Russia is acknowledged as entitled to the sovereignty, I think it would be advisable; but if not practicable, we should have

* As to make it expedient (?)—D.R.C.
D.—14

the same privileges as were granted to the Americans. On a former occasion I proposed the straight as the line of demarcation upon the principle of preventing collision, which was not only my idea, but you will recollect was one of the principal reasons stated by Russia for proposing a division of territory; and when it is considered the large tract that is conceded to the westward of the 139° of longitude to which Russia can have no better right than Great Britain, and which it is hoped Captain Franklin may be the first European who will explore, and that the only pretension she has to the coast between the 59° and 54° of latitude is the having made a grant of it to the Russian Fur Company, which has not been objected to by any European State (for Russia neither discovered nor has any settlement on it or on any part of the continent) within those latitudes, and our own* extend to the 57° and trade with the natives who

† This apparently refers to the Stikine.—D.R.C.
come beyond the 60°), I do not think it too much to require, at the same time the Committee of the Hudson's Bay Company do not attach so much importance to the object I have pointed out, as to stand in the way of concluding the arrangement if in other points His Majesty's Government consider it desirable.

I have, &c.,

The Right Hon. George Canning,
&c., &c., &c.

(Signed) J. H. PELLY.

No. 29.

RIGHT HON. G. CANNING TO MR. S. CANNING.

(No. 1.)

FOREIGN OFFICE, December 8, 1894.

His Majesty having been graciously pleased to name you his Plenipotentiary for concluding and signing with the Russian Government a Convention for terminating the discussions which have arisen out of the promulgation of the Russian Ukase of 1821, and for settling the respective territorial claims of Great Britain and Russia on the North-west Coast of America, have received His Majesty's commands to direct you to repair to St. Petersburg for that purpose, and to furnish you with the necessary instructions for terminating this long protracted negotiation.

The correspondence which has already passed upon this subject has been submitted to your perusal, and I enclose you a copy,—First, of the project which Sir Charles Bagot was authorized to conclude and sign some months ago, and which we had every reason to expect would have been entirely satisfactory to the Russian Government.

2ndly, of a contre projet† drawn up by the Russian Plenipotentiaries, and presented to Sir Charles Bagot at their last meeting before Sir Charles Bagot's departure from St. Petersburg.

3rdly, of a Despatch‡ from Count Nesselrode accompanying the transmission of the contre projet to Count Lieven.

In that Despatch and in certain marginal annotations upon the copy of the projet are assigned the reasons of the alterations proposed by the Russian Plenipotentiaries.

In considering the expediency of admitting or rejecting the proposed alteration, it will be convenient to follow the articles of the Treaty in the order in which they stand in the English projet.

You will observe, in the first place, that it is proposed by the Russian Plenipotentiaries entirely to change that order, and to transfer to the latter part of the instrument the article which has hitherto stood first in the projet.

To that transposition we cannot agree, for the very reason which Count Nesselrode alleges in favour of it, viz.:—That the "Economic" or arrangement of the Treaty ought to have reference to the history of the negotiation.

The whole negotiation grows out of the Ukase of 1821.

So entirely and absolutely true is this proposition, that the settlement of the limits of the respective possessions of Great Britain and Russia on the North-west Coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the Ukase, by enabling the Court of Russia, under cover of the more comprehensive arrangement, to withdraw, with less appearance of concession, the offensive pretensions of that edict.

It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession on the continent of America, but the pretensions of the Russian Ukase of 1821, to exclusive dominion over the Pacific, could

* This apparently refers to the Stikine.—D.R.C.

† No. 16, p. 43.

‡ No. 17, p. 46.

not continue longer unrepealed without compelling us to take some measures of public and effectual remonstrance against it.

You will, therefore, take care in the first instance to repress any attempt to give this change to the character of the negotiation, and will declare without reserve that the point to which alone the solicitude of the British Government and the jealousy of the British nation attach any great importance is the doing away (in a manner as little disagreeable to Russia as possible) of the effect of the Ukase of 1821.

That this Ukase is not acted upon, and that instructions have long ago been sent by the Russian Government to their cruisers in the Pacific to suspend the execution of its provisions, is true, but a private disavowal of a published claim is no security against the revival of that claim; the suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself, and when we have seen in the course of this negotiation that the Russian claim to the possession of the coast of America down to latitude 59 rests, in fact, on no other ground than the presumed acquiescence of the nations of Europe in the provisions of an Ukase published by the Emperor Paul in the year 1800, against which it is affirmed that no public remonstrance was made, it becomes us to be exceedingly careful that we do not by a similar neglect on the present occasion allow a similar presumption to be raised as to an acquiescence in the Ukase of 1821.

The right of the subjects of His Majesty to navigate freely in the Pacific cannot be held as matter of indulgence from any power. Having once been publicly questioned, it must be publicly acknowledged.

We do not desire that any distinct reference should be made to the Ukase of 1821, but we do feel it necessary that the statement of our rights should be clear and positive, and that it should stand forth in the Convention in the place which properly belongs to it, as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

This stipulation stands in the front of the Convention concluded between Russia and the United States of America, and we see no reason why, upon similar claims, we should not obtain exactly the like satisfaction.

For reasons of the same nature we cannot consent that the liberty of navigation through Behring's Straits should be stated in the Treaty as a boon from Russia.

The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, on our own behalf and that of the whole civilized world, protest.

No specification of this sort is found in the Convention with the United States of America, and yet it cannot be doubted that the Americans consider themselves secured in the right of navigating Behring's Straits and the sea beyond them.

It cannot be expected that England should receive as a boon that which the United States hold as a right so unquestionable as not to be worth recording.

Perhaps the simplest course after all will be to substitute for all that part of the project and contre-project which relates to maritime rights and to navigation, the first two articles of the Convention already concluded by the Court of St. Petersburg with the United States of America, in the order in which they stand in that Convention.

Russia cannot mean to give to the United States of America what she withholds from us, nor to withhold from us anything that she has consented to give to the United States.

The uniformity of stipulations, *in parti materia*, gives clearness and force to both arrangements, and will establish that footing of equality between the several contracting parties which it is most desirable should exist between three powers whose interests come so nearly in contact with each other in a part of the globe in which no other power is concerned.

This, therefore, is what I am to instruct you to propose at once to the Russian Minister, as cutting short an otherwise inconvenient discussion.

This expedient will dispose of Article 1 of the project, and of Articles 5 and 6 of the contre-project.

The next articles relate to the territorial demarcation, and upon them I have only to make the following observations:—The Russian Plenipotentiaries propose to withdraw entirely the limit of the *littoral* on the coast which they were themselves the first to propose, viz., the summit of the mountains which run parallel to the coast, and which appear according to the map to follow all sinuosities, and to substitute generally that which we only suggested as a corrective of their first proposition.

We cannot agree to this change. It is quite obvious that the boundary of mountains where they exist is the most natural and effectual boundary. The inconvenience against which we wished to guard was, that which you know and can thoroughly explain to the Russian Plenipotentiaries to have existed on the other side of the American continent, when mountains laid down in a map as in a certain given position, and assumed in faith of the accuracy of that map as a boundary between the possessions

of England and the United States, turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussion. Should the maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory, where we only intended to give and they only intended to ask a strip of sea coast!

To avoid the chance of this inconvenience we proposed to qualify the general proposition, "that the mountains should be the boundary," with the condition "if those mountains should not be found to extend beyond 10 leagues from the coast." The Russian Plenipotentiaries now propose to take the distance invariably as the rule. But we cannot consent to this change. The mountains, as I have said, are a more eligible boundary than any imaginary line of demarcation, and this being their own original proposition the Russian Plenipotentiaries cannot reasonably refuse to adhere to it.

Where the mountains are the boundary we are content to take the *summit* instead of the "seaward base" as the line of demarcation.

I omitted in my last instructions to Sir Charles Bagot, though I had signified to Count Lieven, that I intended to require a small extension of the line of demarcation from the point where the *lisière* on the coast terminates in latitude 59° to the northward.

The extension required is from 139° to 141° W. longitude, the latter being parallel which falls more directly on Mount Elias.

With regard to the port of Sitka or New Archangel the offer came originally from Russia, but we are not disposed to object to the restriction which she now applies to it.

We are content that the port shall be open to us for 10 years, provided only that if any other nation obtains a more extended term the like term shall be extended to us also.

We are content also to assign the period of 10 years for the reciprocal liberty of access and commerce with each other's territories, which stipulation may be best stated precisely in the terms of Article 4 of the American Convention.

These, I think, are the only points in which alterations are required by Russia, and we have no other to propose.

A *Projet* such as it will stand according to the observations of this Despatch is enclosed, which you will understand as furnished to you as a guide for the drawing up of the Convention, but not as prescribing the precise form of words, nor fettering your discretion as to any alterations, not varying from the substance of these instructions.

It will of course strike the Russian Plenipotentiaries that by the adoption of the American article respecting navigation, &c., the provision for an exclusive fishery of two leagues from the coasts of our respective possessions falls to the ground.

But the omission is in truth immaterial.

The law of nations assigns the exclusive sovereignty of *one* league to each power off its own coasts, without any specified stipulation, and though Sir Charles Bagot was authorized to sign the Convention with the specific stipulation of two leagues, in ignorance of what had been decided in the American Convention at the time, yet, after that Convention has been some months before the world, and after the opportunity of reconsideration has been forced upon us by the act of Russia herself, we cannot now consent, in negotiating *de novo*, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contract between the United States and us to our disadvantage.

Count Nesselrode himself has frankly admitted that it was natural that we should receive at the hands of Russia equal measure in all respects with the United States of America.

It remains only in recapitulation to remind you of the origin and principles of this whole negotiation.

It is *not*, on our part, essentially a negotiation about limits.

It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner, in order that its justice may be acknowledged and satisfied, without soreness or humiliation on the part of Russia.

We negotiate about territory to cover the remonstrance upon principle.

But any attempt to take undue advantage of this voluntary facility we must oppose.

If the present *projet* is agreeable to Russia we are ready to conclude and sign the Treaty.

If the territory arrangements are not satisfactory we are ready to postpone them; and to conclude and sign the essential part, that which relates to navigation alone; adding an article stipulating to negotiate about territorial limits hereafter.

But we are not prepared to defer any longer the settlement of that essential part of the question, and if Russia will neither sign the whole Convention, nor that essential

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part of it, she must not take it amiss that we resort to some mode of recording in the face of the world our protest against the pretensions of the Ukaze of 1821, and of effectually securing our interests against the possibility of its future operations.

I have, &c.,

(Signed) G. CANNING.

Mr. Stratford Canning,
&c., &c.

No. 30.

MR. S. CANNING TO RIGHT HON. G. CANNING.

(Extract.)

ST. PETERSBURGH, February 1-13, 1825.

On reading the Projet, some difficulties were started, and some discussion took place, but I hold it unnecessary to trouble you with a more particular account of this conference, as the Russian Plenipotentiaries were not then prepared to express any decided opinion as to those parts of the Projet which do not entirely come up to their proposals, and I have expressly reserved to myself the liberty of recording my explanations in an official shape, in the event of their persisting to object to any essential part of its contents.

No. 31.

MR. STRATFORD CANNING TO RIGHT HON. G. CANNING.

(No. 15.)

ST. PETERSBURGH, February 17-March 1, 1825.

SIR,—By the messenger Latchford I have the honour to send you the accompanying Convention between His Majesty and the Emperor of Russia respecting the Pacific Ocean and the North-west Coast of America, which according to your instructions I concluded and signed last night with the Russian Plenipotentiaries.

The alterations which, at their instance, I have admitted into the projet such as I presented it to them at first, will be found, I conceive, to be in strict conformity with the spirit and substance of His Majesty's commands. The order of the two main subjects of our negotiations, as stated in the preamble of the Convention, is preserved in the articles of that instrument. The line of demarcation along the strip of land on the North-west Coast of America assigned to Russia is laid down in the Convention agreeably to your directions, notwithstanding some difficulties raised on this point, as well as on that which regards the order of the articles, by the Russian Plenipotentiaries.

The instance in which you will perceive that I have most availed myself of the latitude afforded by your instructions to bring the negotiations to a satisfactory and prompt conclusion, is the division of the 3rd article of the new projet, as it stood when I gave it in, into the 3rd, 4th and 5th articles of the Convention signed by the Plenipotentiaries.

This change was suggested by the Russian Plenipotentiaries, and at first it was suggested in a shape which appeared to me objectionable but the articles as they are now drawn up I humbly conceive to be such as will not meet with your disapprobation. The second paragraph of the 4th article had already appeared parenthetically in the 3rd article of the projet, and the whole of the 4th article is limited in its signification and connected with the article immediately preceding it by the first paragraph.

With respect to Behring's Straits I am happy to have in my power to assure you, on the joint authority of the Russian Plenipotentiaries, that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits, or of the seas to the north of them.

It cannot be necessary under these circumstances to trouble you with a more particular account of the several conferences which I have held with the Russian Plenipotentiaries, and it is but justice to state that I have found them disposed throughout this latter stage of the negotiation to treat the matters under discussion with fairness and liberality.

As two originals of the Convention prepared for His Majesty's Government are signed by the Plenipotentiaries, I propose to leave one of them with Mr. Ward for the Archives of the Embassy.

I have, &c.,

(Signed) STRATFORD CANNING.

The Right Hon. George Canning,
&c. &c. &c.

No. 32.

RIGHT HON. G. CANNING TO MR. S. CANNING.

(No. 6.)

FOREIGN OFFICE, March 15, 1825.

Sir,—Your Despatches to No. 13 inclusive have been received and laid before the King.

I enclose to you a copy of a Despatch received from Mr. Addington by which you will see that the Government and Senate of the United States have ratified the Treaty of North-west American Boundaries and Navigation which was negotiated at St. Petersburg last year.

It is hardly necessary to point out to you the additional force which the conclusion of this transaction gives to that part of your instructions on the same subject which prescribes the demand of this country for terms as favourable as those which have been obtained by the United States.

I have, &c.,

Mr. S. Canning.

(Signed) GEORGE CANNING.

No. 33.

RIGHT HON. GEORGE CANNING TO MR. S. CANNING.

(No. 8.)

(Extract.)

FOREIGN OFFICE, April 2, 1825.

Sir,—Your Despatches by the messenger Latchford were received here on the 21st of March and that of the 12th March by the post on the 28th.

Having laid them before the King I have received His Majesty's Commands to express His Majesty's particular satisfaction at the conclusion of the Treaty respecting the Pacific Ocean and North-west Coast of America in a manner so exactly conformable to your instructions, and to direct you to express to the Russian Government the pleasure which His Majesty derives from the amicable and conciliatory spirit manifested by that Government in the completion of this transaction.

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No. 34.

MR. S. CANNING TO RIGHT HON. G. CANNING.

(No. 30.)

ST. PETERSBURGH, April 3-15, 1825.

Sir,—I beg leave to trouble you with a few words in acknowledgment of your two Despatches, the one containing a copy of a letter addressed by you to his Excellency Prince de Polignac on the subject of certain oyster fisheries lying between the Island of Jersey and the adjacent coast of France, and the other enclosing a Despatch from Mr. Addington to you announcing the ratification of the Convention concluded last year between Russia and the United States touching the navigation of the Pacific Ocean and other matters connected with that subject.

I trust that the objects to which the communications transmitted with those Despatches relate have been found to be sufficiently secured by the Convention which, under your instructions, I have signed during my residence here in concert with the Russian Plenipotentiaries.

With respect to the right of fishing, no explanation whatever took place between the Plenipotentiaries and myself in the course of our negotiations. As no objection was started by them to the article which I offered in obedience to your instructions, I thought it inadvisable to raise a discussion on the question, and the distance from the coast at which the right of fishing is to be exercised in common passed without specification, and consequently rests on the law of nations as generally received.

Conceiving, however, at a later period that you might possibly wish to declare the law of nations thereon jointly with the Court of Russia in some ostensible shape, I broached the matter anew to Count Nesselrode, and suggested that he should authorize Count Lieven, on your invitation, to exchange notes with you declaratory of the law as fixing the distance at one marine league from the shore.

Count Nesselrode replied that he should feel embarrassed in submitting this suggestion to the Emperor just at the moment when the ratifications of the Convention were on the point of being despatched to London, and he seemed exceedingly desirous that nothing should happen to retard the accomplishment of that essential formality. He assured me at the same time that his Government would be content, in executing the Convention, to abide by the recognized law of nations, and that if any question should hereafter be raised upon the subject, he should not refuse to join in making the suggested declaration, on being satisfied that the general rule under the law of nations was such as we supposed.

Having no authority to press the point in question, I took the assurance thus given by Count Nesselrode as sufficient, in all probability to answer every national purpose.

Referring to the American Treaty, I am assured as well by Count Nesselrode as by Mr. Middleton that the ratification of that instrument was not accompanied with any explanations calculated to modify or affect in any way the force and meaning of any articles. But I understand that at the close of the negotiation of that Treaty a protocol intended by the Russians to fix more specifically the limitation of the right of trading with their possessions, and understood by the American Envoy as having no such effect was drawn up and signed by both parties. No reference whatever was made to this paper by the Russian Plenipotentiaries in the course of my negotiation with them, and you are aware, Sir, that the articles of the Convention which I concluded, depend for their force entirely on the general acceptance of the terms in which they are expressed.

I have, &c.,

The Right Hon. Geo. Canning,
&c., &c., &c.

(Signed) STRATFORD CANNING.

No. 35.

VANCOUVER'S VOYAGES, 8VO. EDITION, 1801.*

Extract from Vol. IV., Chap. IV., p. 117.

By sunset we entered the arm, up which we expected to find this extensive inland navigation. To its south-east point of entrance I gave the name of Point Maskelyne. after the Astronomer Royal; it is situated in latitude $54^{\circ} 42'$ and longitude $229^{\circ} 45'$, and off it lie two rocky islets, and to the south of it a small island close to the shore.

The apparent extent of this inlet did not answer my expectations from the description that had been given of it. Its entrance is not more than two miles and a half across, and this, at the distance of a few miles, seemed to be materially contracted. If this be the same branch described by the natives, which is much to be questioned, especially as some of Mr. Brown's gentlemen considered the opening meant by those people to be further to the westward, it is called by them Ewen Nass. The word Ewen we understood to signify great or powerful, as Ewen Smoket, a great chief, but the word Nass was completely unknown to Mr. Brown and all his party.

The divided country we had now examined from the forty-seventh degree of north latitude to this station, and the information derived from Mr. Brown rendered it highly probable that the continental shore still continued to have extensive islands lying between it and the ocean, to a very considerable distance further north.

The length of time which, as Mr. Brown understood, occupied these people in making so distant a journey may be accounted for by their tardy mode of travelling through each others dominions, or in passing through the various windings and crooked shallow channels, many of which, though sufficient for their canoes, were very probably unfit for the navigation of shipping. I have ever found it extremely hard, almost impossible, indeed, to make the inhabitants of these remote parts, and even the Sandwich islanders, with whose language we are much better acquainted, comprehend the kind of passage that is required for ships to pass through, or the kind of port or opening in the land that is capable of affording them safe and convenient shelter, in addition to which difficulty, selfish or sinister views too frequently regulate them in the information they communicate. Be this as it may, it was our business now to determine the question, and embracing the favourable opportunity of a fair wind, we steered up the inlet, and were joined by Mr. Whidbey in the cutter, who had traced the continental shore to Point Maskelyne, where, on its becoming broken, he had desisted from any further examination until a future opportunity.

From Point Maskelyne, the two clusters of low rocks and breakers before noticed lie, the northernmost S. 28° W. eight miles and the southernmost S. 35° W. distant

* See also 4to edition, 1798, p. 327.

ten miles and a half ; these in the day time and in clear weather are easily avoided, as there are always some of them above the surface of the water, but in dark nights or foggy weather they must render the navigation of the sound very dangerous. After passing between the northern cluster of these rocks and the continental shore, with which they form a channel about a mile in width, we had about that distance from the mainland soundings at the depth of 45, 55, 30, 19, 12 and 8 fathoms, soft bottom ; the latter about half a mile from Point Maskelyne. No bottom was, however, gained after passing that point with 60 and 70 fathoms of line until 10 at night, when the Prince lee Boo, having reached the contracted part of the inlet, made the signal for having soundings and anchorage. We arrived at this station about 11, and anchored in 35 fathoms water, soft bottom, after passing two openings on the eastern shore, besides that immediately round Point Maskelyne, where Mr. Brown had had his dispute with the natives.

We found our station next morning, Monday the 22nd, to be off the north-west part of an island lying near the eastern shore, and further up the inlet than those in the slope had yet been ; no information from them could therefore be any longer of use, though a continuation of their services would have been very acceptable. This made me regret that we had not one or two vessels of thirty or forty tons burthen, calculated as well for rowing as for sailing, to assist us in this intricate investigation, by which means much despatch would have been given to our survey, and our labours would have been carried on with much less danger and hardship than we had constantly endured.

I intended to proceed up this inlet until I should see sufficient employment for two boat parties, which I was convinced the surrounding region would soon afford, and also to seek a convenient situation where the vessels might remain ; and, whilst this service was executing, to embrace the opportunity for making such astronomical observations as might be procured, and which were become necessary for correcting our survey, and ascertaining with precision the situation of the several parts of the broken region through which we had passed in the vessels and in the boats from Restoration Cove to this inlet. Pursuant to this determination we weighed about 7 in the morning, and the Prince lee Boo returned to the Butterworth.

At our anchorage, lying from point Maskelyne N. 24 E. distant six miles, the width of the inlet was scarcely half a league. On the western shore a small opening appeared to branch off in different directions. North of the island the breadth of the inlet increased again to about two or three miles, trending N. 39 E. In pursuing this line about four miles we passed the south point of an opening on the eastern shore two miles wide, appearing to divide itself into several arms, but the western shore seemed to be compact from the opening opposite the anchorage until we arrived abreast of an opening, about two miles wide at its entrance, on the western shore, seemingly divided into two or three branches, taking a direction about N. 18 W. The observed latitude at this time was $54^{\circ} 58'$, longitude $230^{\circ} 3'$. The branch of the inlet we were now navigating was not of greater width, nor did it appear likely to become more extensive, than that to the westward of us just discovered. This made it uncertain which to consider as the main branch. Four other openings had been passed on the eastern shore whose extent had not yet been ascertained, and although I was much inclined to follow the north-westerly branch, yet I was apprehensive that by so doing we might be led too far from the continent, and by that means cause additional labour and loss of time. Our route was for this season continued to the N.N.E., and another division of the inlet stretching to the eastward was soon discovered.

In the event of a convenient situation being found in this branch I intended to stop the vessels there, and made the Chatham's signal, who had preceded us during the forenoon, to steer for the eastern opening, and shortened sail for the purpose of sending a boat before us to sound. Whilst we lay to wait the boat's return a few of the natives visited the ship in five or six canoes, they brought little to dispose of, yet appeared to be anxious that we should remain in their neighbourhood. Several inquiries were made for Ewen Nasa, but these people seemed to be totally ignorant of the phrase until it had been repeated several times, and we had pointed in various directions, upon which some of them repeated the words, and imitated our motions, giving some amongst us reason to imagine that they meant that Ewen Nasa was up this identical branch of the inlet ; though in all other respects we remained totally ignorant of their language.

The appearance and direction of this opening, however, by no means favoured the opinion that it was an extensive channel communicating with the ocean to the north. The water that flowed from it remained without mixing on the surface of the water of the inlet. The upper water was nearly fresh, of a lightish colour, interspersed with thick muddy sheets, indicating it to have flowed from a small river whose source was not very remote.

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At 3 o'clock the cutter returned with a very unfavourable account of the place so far as their examination had gone, especially on the northern side of the opening from whence a shallow flat extended some distance, on which there was not more than from one to three fathoms water. The latter depth suddenly increased to 30, and, at the distance of a cable's length from the edge of the bank, to 50 and 60 fathoms. This shallow flat made the communication with the shore very unpleasant, and appeared to be continued all round. To those in the cutter the opening seemed to be nothing more than a deep bay with very shallow water, excepting in its north-east part, where a branch from which the muddy water flowed seemed to extend into the country. Across this branch they had also sounded, and found shallow water. As it did not, from this report seem likely to answer our purpose, we proceeded round its north point of entrance and again made sail up the inlet, which, beyond this bay, was in general about half a league wide. The shores on both sides were nearly straight and compact, in this pursuit our progress was greatly retarded by a counter tide or undertow, and, notwithstanding that we had a fresh gale from the south-east, the strength of this repelling current was such that the wind had no influence whatever, though in other situations the vessels with such a gale would have gone five or six knots per hour. On this occasion the ship became totally unmanageable; the wind was sometimes a-head, at others a-stern, a-broad-side, and in every other direction; and we were drifting from side to side in the most unpleasant situation imaginable for two hours and a half, when the force of the wind prevailing, we advanced slowly up the inlet until about 11 at night. The distance of its shores had now again increased and the country became less elevated. A small cove was discovered on the eastern shore, where we anchored in 30 fathoms water.

This place, however, not appearing likely to suit our purpose, Mr. Whidbey was despatched early the next morning in quest of a more convenient situation, which the adjacent shores promised to afford, particularly in the northern quarter, where the land was moderately elevated, and seemed to be much broken. The interior country was, however, still composed of lofty, barren and snowy mountains.

In the forenoon Mr. Whidbey returned, having examined two or three coves, of which the most eligible appeared to be one that we had passed in the dark the preceding evening on the western shore, not more than a mile from our actual station. This afforded good anchorage, with every other convenience that we required. Having a moderate breeze from the southward we lost no time in proceeding thither, where we anchored in 31 and 35 fathoms water, muddy and small stony bottom. The points of the cove bore by compass N.N.E. and S. by E., the nearest shore W. by S. about a cable and a half distant, and the opposite shore of the inlet E.N.E. one mile distant.

On going on shore we found a small canoe with three of the natives, who were employed in taking salmon, which were in great abundance up a very fine run of fresh water that flowed into the cove. Some of these fish were purchased with looking glasses and other trinkets. They were small, insipid, of a very inferior kind, and partaking in no degree of the flavour of European salmon.

In the afternoon the tents, observatory, chronometers, and instruments were sent on shore under the directions of Mr. Whidbey; and Mr. Johnstone in the Chatham's boat, accompanied by Mr. Barrie in the "Discovery's" small cutter, and supplied with 3 days' provisions, departed for the purpose of recommencing the survey of the continental shore northward from Point Maskelyne.

The account I had received of this famous inlet from Mr. Brown inducing me to undertake the principal examination of it myself, the "Discovery's" yawl and launch were equipped with supplies for a fortnight, being as much as they could possibly stow; Lieutenant Swaine was directed to attend me in the latter, and Mr. Puget, with Mr. Menzies, accompanied me in the yawl. The appearance of the country on the western side of this inlet left me little doubt of its being the continent, and we departed in full expectation that during this excursion we should finally determine the reality of the discoveries attributed to the labours of Admiral de Fonte.

With Mr. Whidbey I left the charge of the observatory, with orders to make all necessary observations for correcting the errors and ascertaining the rate of the chronometers; and the more completely to effect the former, I desired that Mr. Baker, and some others of the gentlemen, would assist in making as many observations as the circumstances would admit of for determining the true position of the station we had taken.

CHAPTER V.

Matters being all adjusted and arranged, we departed at five o'clock on Wednesday morning, the 24th, in thick, rainy, unfavourable weather, which continued until the forenoon, when it became fair and pleasant. Our course was first directed along the eastern shore, which, from our anchorage on the night of the 22nd, took a direction N.

14 E. for six miles. We passed an island to the west of us, two miles long and half a mile broad, lying nearly in the same direction about three fourths of a mile from the eastern shore, and having reached this extent we entered a narrow arm, leaving to the west the coast apparently much broken and divided by water.

We rapidly advanced up this arm, with a southerly wind and a flood tide in our favour, its width increased to about a mile, and taking a winding course to the E.N.E., and terminated by a low border of land in latitude $55^{\circ} 26'$, longitude $230^{\circ} 36'$.

We stopped to dine about a mile short of the low border of land which composed the mouth of the arm. Here we were visited by seven of the natives, who approached us in a manner with much caution, and landed some of their party at a little distance, whilst the others advanced, seemingly with no small suspicion of our friendly intentions; this, however, was soon removed by the distribution of some trivial presents amongst them, and their reception being made known to their companions who had landed, these without the least hesitation joined our party also. They were well prepared with arms, consisting of long spears, bows and arrows, together with an iron dagger that each man wore about his neck or wrist. The chief of this party was soon pointed out, who, by means of signs easily understood, desired to partake of our repast. He was given some bread and dried fish, and afterwards a glass of brandy, all of which were much relished by himself and two or three of his friends. These people differed very little from the generality of the circumjacent natives, and rather seemed to be an exception to the trivial differences pointed out in those few inhabitants who visited us in Fishmonger's Cove. Their language appeared to be similar in some respects to that spoken at Queen Charlotte's Islands, at least a few commonplace expressions of that language were understood by these people. They made use of these, with many signs, to solicit us to visit their habitations, pointing out their situation to be on the low land at the head of the arm; but as it was out of our route we declined their invitations, and with a favourable ebb tide, returned towards the entrance of the arm, being accompanied by these our new acquaintances, who were soon joined by another party from the village in a smaller canoe. On finding, however, that we did not return for the purpose of trading, they all retired to the village.

About 8 in the evening we reached the entrance of this arm, where we took up our abode for the night; the land of the shores which we had thus traced was, comparatively speaking, low, yet the interior country rose suddenly, and terminated our view by a range of high barren mountains, mostly covered with snow. The soil of the lower parts near the shores is chiefly composed of a light mossy substance, formed by the decay of trees and other vegetable productions, lying on an uneven rocky substance, which is the general foundation of this country and of all the coasts we had yet seen this season.

At 4 o'clock the next morning, Thursday, the 25th, we proceeded again, with thick cloudy weather, attended by some flying showers of rain. Our course was directed up the branch that appeared to be the main arm of the inlet through a narrow passage occasioned by an island lying in mid-channel, about a league long and three-quarters of a mile broad, and having near it some rocks and breakers, like that we passed the preceding day. From the west point of the arm we had quitted, that which we were now pursuing extended N. 20 W. nearly straight, about 10 miles, where, as usual, it was terminated by low swampy ground, and in latitude $55^{\circ} 32'$, longitude $230^{\circ} 16'$. Our expectations of discovering the extensive inland navigation, distinguished by the name of Ewen Nass, were here a little disappointed, still, however, we entertained hopes of succeeding by the appearance of the low land on the western shore, and we returned in the afternoon to prosecute its examination. It was found to be a compact shore, much indented with small bays and coves, and abounding in some places with sunken rocks. In the south-westernmost of these coves, which is the deepest, we halted for the night, and although a situation for our tents was fixed upon amongst the pine trees, at least 20 feet above the surface of the water at our landing, and as we thought sufficiently without the reach of the tide, yet about 2 in the morning of Friday, the 26th, it flowed into the tents, and we were obliged to retire to our boats. At daylight we pursued the western shore of the inlet towards the ships, where we arrived about noon.

I now entertained no doubt of this being the continental shore, and it was equally evident to me that it extended itself far up that branch which we had passed in the afternoon of the 22nd leading to the N.N.W. Having therefore determined to prosecute my researches in that quarter our stock of provisions was recruited, and after dining on board we recommenced our examination along the western shore of the inlet, and rested for the night in a small cove about 12 miles to the southward of the ship. The afternoon and night were very rainy and unpleasant, but early the next morning, Saturday, the 27th, we set out with fair weather, and having a rapid tide in our favour soon reached the east point of entrance into the N.N.W. branch, which, after Mr. Ramsden, the optician, I called Point Ramsden, lying in latitude $54^{\circ} 59'$, longitude $230^{\circ} 24'$. Off this point are some dangerous rocks that are visible only at

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low tide; from hence we directed our course N.W. three miles to a low point on the larboard shore, where we found this arm to communicate with another,* leading in a S.W. and N.N.E. direction, and being in general about half a league in width. After breakfast we pursued the latter direction, and steered for the eastern or continental shore. This extends first from Point Ramsden N. 31 W. six miles, and takes a N.N.E. course.

As we advanced we were joined by a party of fifteen natives in two canoes. A smoke had before been observed amongst the trees on the eastern shore, but we then saw no appearance of any habitations. These people approached us without much hesitation, and in their countenances was expressed a degree of savage ferocity infinitely surpassing anything of the sort I had before observed in the various tribes that had fallen under my notice. Many of those we had before seen had their faces painted in various modes; but these had contrived so to dispose of the red, white, and black as to render the natural ugliness of their countenances more horribly hideous. This frightful appearance did not seem to be a new fashion among them, but to have been long adopted by their naturally ferocious disposition, and was correspondent to the stern and savage deportment they took so much pains to exhibit. I offered them such presents as we had been accustomed to make on similar occasions, but they were rejected by some with disdain, whilst the few who deigned to take anything received our gifts with stern and cool indifference. Amongst the party was a woman who was additionally disfigured by one of those extraordinary lip ornaments; this did not a little augment her forward, shrewish aspect. I offered her a looking-glass with some trinkets, but at the instance of the most savage fellow of the party she contemptuously rejected them. This Indian then arranged his spears, about six or eight in number, and placed them with their points just over the bow of the canoe near where he sat; he also laid near him his bow with some arrows, then put on his war garment, and drew his dagger. Some in the other canoe made similar preparations, either to menace an attack, or, what seemed to us more likely, to convince us they were upon their guard against any violence we might be inclined to offer them.

At this time we were considerably ahead of the other boat, and as it was necessary that we should shortly land on the point from whence the continent takes its N.N.E. direction for the purpose of taking angles we waited for the launch to come up, and during this interval we used our endeavours to gain the confidence and, if possible, to conciliate the good opinion of our visitors. But all was to no effect; they refused to accept any more presents, whilst those who had condescended to receive any made signs that we should go to their place of abode, which we had by this time passed, and frequently made use of the words "*Winnee watter*," signifying to stop and trade, producing at the same time some very indifferent sea otter skins. Recollecting the aridity with which all the inhabitants of these parts enter into commercial intercourse I thought their uncourteous behaviour might have arisen from our backwardness in following the same pursuit, and hoped by offering to trade with them we should be able to obtain their friendship. But neither cloth, iron, copper, nor anything we had was in their opinions sufficient in quantity or equal in quality to the value of their skins, which were, without exception, the worst I had yet seen on the coast. On the launch coming up we pulled towards the shore; they now seemed better pleased, and on landing they offered their skins again for sale, but it was not within our reach to purchase them. Whilst we remained together on shore their behaviour was more civil, and we seemed to part on much better terms than we had met. They remained at the point and we proceeded up the arm. Their absence, however, was not of long duration, as they shortly followed us, waving their skins, and exposing them for sale; and it was not a little extraordinary that they should now exchange their skins and other articles of traffic for the very identical commodities which they had before rejected with so much contempt.

It was not easy to account for the singular appearance and rude behaviour of this tribe, so very different from what we had hitherto experienced. Some amongst us suggested that these people might probably belong to that party on whom Mr. Brown had recently been obliged to fire in this neighbourhood, and at no great distance from our actual station, but it appeared to me far more likely that their resentment had been excited by our perfect indifference to their commodities brought for sale, and our having declined their invitations to the place of their abode. This opinion was soon confirmed by their subsequent conduct; on being now offered blue cloth for their skins they began a song that continued until they came close to us, when I observed that their arms and war garments were all laid aside, and, having disposed of such things as they had for sale, they began to betray a somewhat thievish disposition. I endeavoured to make them sensible of my disapprobation of this conduct, and made signs that they should depart, with which they reluctantly complied.

* The description of Portland Channel commences here See Map No. 1.—D.R.C.

I did not observe that these people differed from the generality of the North-west Americans, otherwise than in the ferocity of their countenances. Their weapons seemed well adapted to their condition; their spears, about sixteen feet long, were pointed with iron, wrought in several simple forms, amongst which some were barbed. Their bows were well constructed, and their arrows, with which they were plentifully supplied, appeared but rude, and were pointed with bone or iron. Each man was provided with an iron dagger, suspended from his neck in a leather sheath, seemingly intended to be used when in close action. Their war garments were formed of two, three, or more folds of the strongest hides of the land animals they are able to procure. In the centre was a hole sufficient to admit the head and left arm to pass through, the mode of wearing them being over the right shoulder and under the left arm. The left side of the garment is sewed up, but the right side remains open; the body is, however, tolerably well protected, and both arms are left at liberty for action. As a further security, on the part which covers the breast, they sometimes fix on the inside thin laths of wood. The whole is seemingly well contrived, and I doubt not answers the essential purpose of protection against their native weapons.

The weather, though pleasant, was unfortunately cloudy about noon, and prevented any observation being made for the latitude. The same unfavourable circumstances attended us during our excursion to the northward of the vessels. We continued to the N.N.E. without meeting any interruption or break in the shores until about 8 in the evening, when we arrived at a point on the western shore, situated in latitude $55^{\circ} 16'$, longitude $230^{\circ} 8'$. Near this point we rested for the night. From hence the arm took a direction N. 15 W. continuing in general about the same width.

Between us and the opposite shore was a small island nearly in mid-channel.

The weather being fair and pleasant we started early the next morning, Sunday, the 28th, continuing our researches up this branch. At noon the observed latitude on the eastern shore was $55^{\circ} 25'$; longitude $230^{\circ} 5'$, from hence it took a more northerly direction, and then trended a little to the eastward or north, where by 10 in the forenoon of Monday the 29th it was found to terminate in low marshy land in latitude $55^{\circ} 45'$, longitude $230^{\circ} 6'$. The shores of this inlet were nearly straight, and in general little more than a mile asunder, composed mostly of high rocky cliffs covered with pine trees to a considerable height; but the more interior country was a compact body of high barren mountains covered with snow. As we pursued this branch salmon in great plenty were leaping in all directions. Seals and sea otters were also seen in great numbers, even where the water was nearly fresh, and which was the case upwards of twenty miles from its termination.

Mortified with having devoted so much time to so little purpose we made the best of our way back. At noon I observed the latitude to be $55^{\circ} 42'$, from whence to our reaching the western shore, near where we had entered this branch, occupied our time till late in the evening of Tuesday the 30th, when we brought to in a small cove behind an island about half a league from us, and not far from the place where we had met the ungracious natives on the preceding Saturday.

The night was mild and pleasant, but a thick fog in the morning of Wednesday the 31st not only obscured the surrounding shores, but prevented our departure until 8 o'clock, when on its dispersing we directed our examination along the western or continental shore to the S.S.W. in a continuation of the branch we had seen on the morning of the 27th. The shores of both sides were straight, compact, of moderate height, and in general little more than a mile asunder. At noon the observed latitude on the western shore was $54^{\circ} 55'$, longitude $229^{\circ} 47'$; the inlet still continuing in the same direction. On the western shore, about half a league to the southward of this station, we entered a small opening not more than a cable's length in width stretching to the northward; up this we had made a little progress, when the launch, which had preceded us and had reached its extremity, was met on her return. Mr. Swaine informed me that its termination was about a league from its entrance, and that its width was from a quarter to half a league.

We stopped for the purpose of dining, and were visited by a canoe, in which were three persons; they approached us with little hesitation, and seemed well pleased at receiving a few trivial presents. They earnestly solicited our return to the head of this little arm, where it appeared their chief resided, and who had abundance of furs to barter for our commodities; but as it was out of our way we declined their proposal, at which they seemed hurt and disappointed, but retired in perfect good humour.

After dinner we attempted to return by the way we had come, but on approaching the entrance the rapidity of the flood tide prevented our advancing against it until near high water, about 6 in the evening. Many of the small trees at the place where we had dined had been cut down with an axe, an implement not yet in use with these people who on all such occasions prefer any kind of chisel. The trees appeared to have been felled for the purpose of gaining convenient access to the run of water

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hard by, and this gave rise to an opinion that our dining place had lately been the resort of other civilized people.

Having again reached the arm leading to the S.S.W. we proceeded in that direction, and passed two small rocky islets about a mile to the south of the last-mentioned small arm. Finding the main channel now regularly decreasing to half a mile in width, and having a strong southerly breeze, we did not proceed more than three miles before we rested for the night. The narrowness of the channel and the appearance of its termination before us would have induced me to have relinquished all thoughts of a communication with the ocean by this route had it not been for the indications presented by the shores on either side. These gradually decreasing in height, with a very uneven surface, were entirely covered with pine trees, and as such appearances had, in most instances, been found to attend the broken parts of the country immediately along the sea coast I was encouraged to persevere in this pursuit.

We had not been long landed before the natives who had visited us at dinner time made their appearance again, accompanied by a large canoe, in which was the chief of their party.

I directed them to land at a small distance from our boats, with which they readily complied. The chief received some presents, and in return gave me two or three sea otter's tails. This intercourse seemed, by our signs and such words as we had picked up, to be an assurance of a good understanding between us, and on a promise of entering further into trade the next morning they retired to a small cove about half a mile from us, with every appearance of being perfectly satisfied, but about an hour afterwards one of their canoes was seen paddling towards us. On this a pistol was fired in the air, which had the good effect of showing that we were upon our guard, and prevented their giving us any further disturbance.

As soon as it was daylight in the morning of Thursday, the 1st of August, these people, accompanied by another canoe, were with us according to appointment the preceding evening. They offered for sale the skins of the sea otter, and a large black bear that seemed to have been killed by a spear in the course of the night. I was not backward in complying with our part of the agreement; but, like those whom we had seen on Saturday, these rejected every article we had with us for the purpose of barter; and excepting firearms and ammunition, which were not offered to them, we could not discover on what their inclinations were placed. They followed us, however, for two miles persisting in desiring we would "Winnee Watter," until at length finding no other articles were tendered them than those they had before declined they retired exclaiming "Pusee" and "Peshack," which could not be misunderstood as terms of disapprobation.

This party, including one woman with a lip ornament, consisted of 16 or 13 persons, who in character, much resembled (though I think they were not quite so ferocious) those we had seen the preceding Saturday. This woman, as well as the other we had seen on the 27th, steered the canoe. She appeared to be a most excessive scold and to possess great authority. She had much to say respecting the whole of their transactions, and exacted the most ready obedience to her commands, which were given in a very surly manner, particularly in one instance to a man in the bow of the canoe, who, in compliance to her directions, immediately made a different disposition of the spears. These had all lain on one side of him, just pointed over the bow of the canoe, with several things lying carelessly over them, but on his receiving her commands the outer ends were projected further, their inner ends cleared of the lumber that was over them, and the whole, amounting to about a dozen, were equally divided and regularly laid on each side of him.

From the place at which we had slept this channel took a direction S. 42° W. about a league and a half to a point in latitude 54° 48', longitude 229° 39½', from whence the continental shore takes a direction N. 25° W. about a league through a narrow channel not a fourth of a mile in breadth, having in it several islets and rocks. In order to make sure of keeping the continental shore on board, we pursued this and left the southwesterly channel, whose width had increased to about a mile, and whose shores appeared to be much broken, as if admitting several passages to the sea. At the north end of this narrow channel we came to a larger one extending N. 35° E., and S. 35° W. The former first attracted our notice; this by noon was found to end in latitude 54° 55½', longitude 229° 40', not in low marshy land, as had been generally the case in the interior parts of our survey, but by low, though steep, rocky shores, forming many little bays and coves abounding with rocks and rocky islets. Here were seen an immense number of sea otters, and amongst them some few seals, but more of the former than I had yet noticed. Having dined, we pursued the examination of the continent in a south-westerly direction, which brought us by the evening to its end in that direction in latitude 54° 48½', longitude 229° 31½', from hence the channel extended to the S.S.E. and met that which we had quitted in the morn-

ing, making the land which formed the western shore and that before us to the eastward an island about ten miles in circuit. The shores, that had been nearly straight and compact since we had quitted the rocky arm above mentioned, became again indented with bays and coves, bounded by many rocks and rocky islets.

In examining these broken parts of the shore, the launch had preceded the yawl whilst I was taking the necessary angles. On our turning sharp round a point I discovered her endeavouring, as I supposed, to pass a most tremendous fall of water; the evening at this time was nearly closing in, and being now about high tide the fall appeared to be adverse to their proceeding, but finding they continued to advance I hailed and waived them to desist. On our meeting I found they had possessed but sufficient strength and time to extricate themselves from a very alarming situation. The direction of the fall was in a contrary line to what they had expected, as the water was rushing with great impetuosity through a narrow rocky channel, and falling into a basin whose surface appeared to be greatly beneath the level of the channel we were navigating; on their perceiving this their utmost exertions were required for a short time to prevent the boat from being drawn within its vortical influence. About a mile from the above point nearly in a south direction we brought to for the night.

In the morning of Friday the 2nd we set out early, and passed through a labyrinth of small islets and rocks along the continental shore; this, taking now a winding course to the south-west and west, showed the south-eastern side of the channel to be much broken, through which was a passage leading S.S.E. towards the ocean. We passed this in the hope of finding a more northern and westerly communication, in which we were not disappointed, as the channel we were then pursuing was soon found to communicate also with the sea, making the land to the south of us one or more islands. From the north-west point of this land, situated in latitude $54^{\circ} 46'$, longitude $229^{\circ} 28'$, the Pacific was evidently seen between N. 88° W. and S. 81° W. Off the point, at a little distance from the mainland, was an island about half a mile from us; the opposite or continental shore lying north-east, not quite half a mile distant. Between this and the westernmost land in sight the shores appeared to be much divided, with small rocky islets and breakers in most directions.

*The outermost lies nearly south-east about two miles and a half from the point seen the former morning, and stated to be the north point of the passage leading toward the ocean.

No. 36.

VANCOUVER'S VOYAGES.

Extract from 3rd Edition, 1801.†

Vol. IV., Champ. V., p. 191.

In the forenoon we reached that arm of the sea, whose examination had occupied our time from the 27th of the preceding to the 2nd of this month. The distance from its entrance to its source is about 70 miles; which, in honour of the noble family of Bentinck, I named Portland's Channel.‡

No. 37.

VANCOUVER'S VOYAGES.

Extract 3rd Edition, 1801.**

Vol. IV., Champ. V., page 198.

Nothing of any note having occurred during my absence I shall conclude this chapter by the insertion of the astronomical and nautical observations made at this place; and in consequence of our having been so fortunate as to be able to obtain these that were essential for correcting our former survey, and for our future regulation in that respect, this branch obtained the name of Observatory Inlet; and the cove, where the vessels were stationed, that of Salmon Cove, from the abundance of that kind of fish that were there taken.

* P. 149 of 3rd edition; p. 346 of 4th edition.

† See also 4th Edition, 1798, p. 371.

‡ In 4th Edition, 1798, this is called Portland's Canal.

** See also the Edition, 1798, p. 375.

No. 38.

VANCOUVER'S VOYAGES.

*Extract 8vo Edition, 1801.**

Vol. IV., Chap. VI., p. 204.

A want of wind, and the flood tide, prevented our weighing until 9 the following morning, Monday the 19th, when, with the ebb tide, we again proceeded, but did not reach the entrance of Observatory Inlet until 2 o'clock in the morning of Tuesday the 20th, a distance of not more than 13 leagues from Salmon Cove.

The west point of Observatory Inlet I distinguished by calling it Point Wales, after my much esteemed friend Mr. Wales, of Christ's Hospital, to whose kind instruction, in the early part of my life, I am indebted for that information which has enabled me to traverse and delineate these lonely regions.

No. 39.

VANCOUVER'S VOYAGES.

Extract, 8vo Edition, 1801.†

Vol. IV., Chap. VII., p. 273.

Its† western shore is an extensive tract of land, which (though not visibly so to us) I have reason to believe is much broken and divided by water, forming as it were a distinct body in the great archipelago. This I have honoured with the name of the Prince of Wales's Archipelago; and the adjacent continent, to the northward from Gardner's Channel** to Point Rothesay, the extent of our survey to the north this season, I have distinguished with that of New Cornwall.

No. 40.

CONVENTION BETWEEN THE UNITED STATES AND RUSSIA, RELATIVE TO THE PACIFIC OCEAN AND THE NORTH-WESTERN COAST OF AMERICA, SIGNED AT ST. PETERSBURG 5-17 APRIL, 1824.

In the Name of the Most Holy and Indivisible Trinity.

The President of the United States of America, and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present Convention, have named, as their Plenipotentiaries to this effect, to wit: the President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty: and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, Actual Privy Counsellor, member of the Council of State, Secretary of State directing the administration of foreign affairs, Actual Chamberlain, Knight of the Order of St. Alexander Newsky, Grand Cross of the Order of St. Vladimir of the First Class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honour of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Württemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Politica, Actual Counsellor of State, Knight of the Order of St. Anne of the First Class, and Grand Cross of the Order of St. Vladimir of the Second: who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations:

1. It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives; saving always the restrictions and conditions determined by the following articles.

* See also 4to Edition, 1798, p. 279.

† See also 4to Edition, 1798, p. 410.

‡ Duke of Clarence's Strait.

** Canal, in 4to Edition, 1798.

II. With the view of preventing the rights of navigation and of fishing exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the north-west coast.

III. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the North-west coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

IV. It is, nevertheless, understood, that, during a term of ten years, counting from the signature of the present Convention, the ships of both powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbours, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

V. All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two powers engage reciprocally, neither to sell, or suffer them to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated, that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measure of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

VI. When this Convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner, if possible. In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the seals of their arms.

Done at St. Petersburg, the 17-5 April of the year of Grace, 1824.

HENRY MIDDLETON.
LE COMTE CHARLES DE NESSELEDE.
HERRE DE POLETICA.

No. 21.

CONVENTION BETWEEN GREAT BRITAIN AND RUSSIA, SIGNED AT ST. PETERSBURGH, FEBRUARY 28-10, 1825.

(Presented to Parliament, May 16, 1825.)

In the name of the Most Holy and Undivided Trinity. Au nom de la Très Sainte et Indivisible Trinité.

(Translation.)

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer ties of good understanding and friendship which unite them, by means of an agreement which may settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their respective possessions on the Northwest Coast of America, have named Plenipotentiaries to conclude a Convention for this purpose, that is to say: His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Stratford Canning, a member of His said Majesty's Most Honourable Privy Council,

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, desirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui régleroit, d'après le principe des convenances réciproques, divers points relatifs au commerce, à la navigation, aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions respectives sur la Côte Nord-ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir: Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, le Très Honorable Stratford Canning, Conseiller de Sa dite Majesté en Son Conseil Privé, &c. Et Sa Majesté l'Em-

&c. And His Majesty the Emperor of all the Russias, Count de Nesselrode, a member of the Privy Council of the Empire, the Sieur Pierre de Maistre, a member of His Majesty's Council, after having explained their respective intentions and due form, the following

I. It is agreed that the subjects of the high contracting powers shall not be troubled in the ocean, or on the coast, either by fishing therein, or by occupying the coast, or under the rest of the following

II. In order to prevent the navigation and commerce by the sea, the high contracting powers, from an illicit commerce, the subjects of the high contracting powers shall not land at any point where there is a Russian establishment, without the permission of the governor and on the other hand, the subjects shall not land at any British establishment.

III. The line of the possession of the islands of the North Pacific shall be drawn as follows: Commencing from the point of the island of Alaska, which point lies 10 minutes north of 54° 40' and the meridian shall ascend to the point of the 50th degree of latitude, and thence follow the line situated as the point of intersection, and of the 41st degree, and thence follow the line on the Continent west.

IV. With reference to the islands of the North Pacific, it is understood that the line of the possession of the islands of the North Pacific shall be drawn as follows: Commencing from the point of the island of Alaska, which point lies 10 minutes north of 54° 40' and the meridian shall ascend to the point of the 50th degree of latitude, and thence follow the line situated as the point of intersection, and of the 41st degree, and thence follow the line on the Continent west.

V. It is understood that the line of the possession of the islands of the North Pacific shall be drawn as follows: Commencing from the point of the island of Alaska, which point lies 10 minutes north of 54° 40' and the meridian shall ascend to the point of the 50th degree of latitude, and thence follow the line situated as the point of intersection, and of the 41st degree, and thence follow the line on the Continent west.

&c. And His Majesty the Emperor of all the Russias, the Sieur Charles Robert Comte de Nesselrode, His Imperial Majesty's Privy Councillor, a member of the Council of the Empire, Secretary of State for the Department of Foreign Affairs, &c., and the Sieur Pierre de Poletica, His Imperial Majesty's Councillor of State, &c. Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles :—

I. It is agreed that the respective subjects of the high contracting parties shall not be troubled or molested, in any part of the ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following Articles.

II. In order to prevent the right of navigating and fishing exercised upon the ocean by the subjects of the high contracting parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannick Majesty shall not land at any place where there may be a Russian establishment without the permission of the Governor or Commandant; and on the other hand, that Russian subjects shall not land without permission at any British establishment on the North-west Coast.

III. The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of America to the north-west, shall be drawn in the manner following :—

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 54th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude of the same meridian; and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean, shall form the limit between the Russian and British possessions on the Continent of America to the north-west.

IV. With reference to the line of demarcation laid down in the preceding Article, it is understood :

1st. That the island called Prince of Wales Island shall belong wholly to Russia.

2nd. That wherever the summit of the mountains which extend in a direction parallel to the coast, from the 54th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

V. It is moreover agreed that no establishment shall be formed by either of the two parties within the limits assigned by

percur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé actuel, membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, &c.; et le Sieur Pierre de Poletica, Son Conseiller d'Etat actuel, &c. Lesquels Plénipotentiaires, après s'être communiqué leurs Plein pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :—

I. Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique, les sujets respectifs des Hautes Puissances contractantes ne seront ni troublés ni gênés soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seraient pas déjà occupés, afin d'y faire le commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

II. Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand océan par les sujets des Hautes Parties contractantes, ne deviennent le prétexte d'un commerce illicite, il est convenu que les sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant; et que réciproquement, les sujets Russes ne pourront aborder sans permission, à aucun établissement Britannique sur la côte Nord-ouest.

III. La ligne de démarcation entre les possessions des Hautes Parties contractantes, sur la côte du Continent et les îles de l'Amérique Nord-ouest, sera tracée ainsi qu'il suit :

A partir du point le plus méridional l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54me degré, 40 minutes de latitude Nord, et entre le 131me et le 133me degré de longitude Ouest (méridien de Greenwich) la dite ligne remontera au nord le long de la passe dite Portland Channel jusqu'au point de la terre ferme où elle atteint le 54me degré de latitude Nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141me degré de longitude Ouest (même méridien) et finalement, du dit point d'intersection, la même ligne méridienne du 141me degré formera dans son prolongement jusqu'à la mer Glaciale, la limite entre les possessions Russes et Britanniques sur le Continent de l'Amérique Nord-Ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent :

1. que l'île dite Prince of Wales appartiendra toute entière à la Russie.

2. que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 54me degré de latitude Nord au point d'intersection du 141me degré de longitude Ouest, se trouveroit à la distance de plus de dix lieues marines de l'océan, la limite entre les possessions Britanniques et la limite de côte mentionnée ci-dessus, comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de dix lieues marines.

V. Il est convenu en outre, que nul établissement ne sera formé par l'une des deux parties dans les limites que les deux

the two preceding Articles to the possessions of the other; consequently British subjects shall not form any establishment either upon the coast or upon the border of the continent comprised within the limits of the Russian possessions, as designated in the two preceding Articles; and, in like manner, no establishment shall be formed by Russian subjects beyond the said limits.

VI. It is understood that the subjects of His Britannick Majesty, from whatever quarter they may arrive, whether from the ocean or from the interior of the continent, shall forever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in Article 3 of the present Convention.

VII. It is also understood that, for the space of ten years from the signature of the present Convention, the vessels of the two powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in Article 3, for the purposes of fishing and of trading with the natives.

VIII. The port of Sitka, or Novo Archangelsk, shall be open to the commerce and vessels of British subjects for the space of ten years from the date of the exchange of the ratifications of the present Convention. In the event of an extension of this term of ten years being granted to any other power, the like extension shall be granted also to Great Britain.

IX. The above-mentioned liberty of commerce shall not apply to the trade in spirituous liquors, in firearms or other arms, gunpowder or other warlike stores; the high contracting parties reciprocally engaging to permit the above-mentioned articles to be sold or delivered, in any manner whatever, to the natives of the country.

X. Every British or Russian vessel navigating the Pacific Ocean, which may be compelled by storms or by accident to take shelter in the ports of the respective parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other than port and light-house dues, which shall be the same as those paid by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandise in order to pay his expenses, he shall conform himself to the regulations and tariffs of the port where he may have landed.

XI. In every case of complaint on account of the infraction of the Articles of the present Convention the civil and military authorities of the high contracting parties, without previously acting or taking any forcible measures, shall make an exact and circumstantial report of the matter to their respective Courts, who engage to settle the same in a friendly manner and according to the principles of justice.

XII. The present Convention shall be ratified and the ratifications shall be exchanged at London within the space of six weeks, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Articles précédens assignent aux possessions de l'autre. En conséquence les sujets Britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et de même nul établissement ne sera formé par des sujets Russes au delà des dites limites.

VI. Il est entendu que les sujets de sa Majesté Britannique, de quelque côté qu'ils arrivent, soit de l'Océan soit de l'intérieur du Continent, jouiront à perpétuité du droit de naviguer librement et sans entrave quelconque sur tous les fleuves et rivières qui dans leurs cours vers la mer Pacifique, traverseront la ligne de démarcation sur la lisière de la côte indiquée dans l'Article 3 de la présente Convention.

VII. Il est aussi entendu que pendant l'espace de dix ans à dater de la signature de cette Convention, les vaisseaux des deux Puissances ou ceux appartenant à leurs sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, toutes les mers intérieures, les golfes, les baies, les criques sur la côte mentionnée dans l'Article 3, afin d'y faire la pêche et le commerce avec les Indigènes.

VIII. Le port de Sitka, ou Novo Archangelsk, sera ouvert au commerce et aux vaisseaux des sujets Britanniques durant l'espace de dix ans, à dater de l'échange des ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix ans soit accordée à quelque autre Puissance, la même prolongation sera également accordée à la Grande Bretagne.

IX. La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes à feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre; les Hautes Parties contractantes s'engageant réciproquement à ne laisser ni vendre, ni livrer, de quelque manière que se puisse être, aux Indigènes du pays, les articles ci-dessus mentionnés.

X. Tout vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelque accident, de se réfugier dans les ports des parties respectives, aura la liberté de s'y radoubier, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront pour lui les mêmes que pour les bâtimens nationaux. Si, cependant, le patron d'un tel navire se trouvoit dans le nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux ordonnances et aux tarifs de l'endroit où il aura aboré.

XI. Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les autorités civiles et militaires des deux hautes parties contractantes, sans se permettre au préalable ni voie de fait, ni mesure de force, seront tenues de faire un rapport exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable, et d'après les principes d'une parfaite justice.

XII. La présente Convention sera ratifiée et les ratifications en seront échangées à Londres dans l'espace de six semaines, ou plutôt si faire se peut.

En foi de quoi les plenipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

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Done at St. Petersburg, the 28th-10th
day of February, in the year of our Lord
one thousand eight hundred and twenty-
five.

(L.S.) STRATFORD CANNING.
(L.S.) THE COMTE DE NES-
SELROPE.
(L.S.) PIERRE DE POLETICA.

Fait à St. Petersburg, le 28-13 février
de l'an de Grâce mil huit cent vingt-cinq.

(L.S.) STRATFORD CANNING.
(L.S.) LE COMTE DE NESSEL-
RODE.
(L.S.) PIERRE DE POLETICA.

NOTE.—The ratifications were exchanged by the Right Hon. George Canning and Count de Lieven in London on 9th April, 1825.

No. 42.

MR. PHELPS TO THE MARQUIS OF SALISBURY. (Received January 20.

LEGATION OF THE UNITED STATES, LONDON, January 19, 1886.

MY LORD,—Referring to the conversation held with your Lordship on the 12th instant, relative to the boundary between the British possessions in North America and the territory of Alaska, I have the honour to transmit herewith a copy of the statement of the facts contained in the instructions sent me by my Government, together with copies of the maps therein referred to.

I think your Lordship will find in these documents the confirmation of the statements I made in the conversation above mentioned.

In the treaty between the United States and the Emperor of Russia, of the 30th March, 1867, whereby the territory of Alaska was ceded to the United States, the sessions of Her Majesty, is designated by embodying in the treaty, in terms, the language of Articles III. and IV. of the Convention between Great Britain and Russia, of the 28th February, 1825, whereby the boundary is established.

Those Articles are as follows :—

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of $54^{\circ} 40'$ north latitude, and between the 131st degree and the 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian), and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding Article it is understood :—

"1. That the island called Prince of Wales' Island shall belong wholly to Russia (now, by this cession, to the United States.)

"2. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."

The boundary thus indicated has no apparent ambiguity. But it was established and described when the region through which it runs was entirely unexplored. It was doubtless agreed upon in view of the map known as Vancouver's map, then almost the only one available, which shows a range of mountains apparently continuous and sharply defined, running parallel with the coast about 10 marine leagues inland, from the 56th degree of north latitude to their intersection with the 141st degree of west longitude, and forming a natural and plainly obvious permanent boundary. And probably the mountains, as seen from the sea, present that appearance to the eye.

But recent explorations since the country has begun to be occupied, show that no such boundary as that described in these treaties exists within the limits above mentioned, or is capable of being determined. And that the monuments by which it is indicated in the treaties tend only to confusion and uncertainty.

Instead of a continuous range of mountains along the summit of which a tangible and reasonably direct line can be run, the whole region proves to be broken into a sea of mountains, with spurs running in various directions, covering laterally a very wide surface.

By no criterion, either of height, direction, or continuity, can a line be laid down that could be regarded as "following the summit of the mountains," and any approximation that should be attempted, to the line prescribed in the treaties, would be no nearer than various other approximations that might be made, and which would be widely different from each other.

The only other indication of this part of the boundary contained in the treaties, the limit of 10 marine leagues from the ocean, equally fails of practicable location. The coast proves upon survey to be so extremely irregular and indented, with such and so many projections and inlets, that it is not possible, except at immense expense of time and money, to run a line that shall be parallel with it, and if such a line should be surveyed it would be so confused, irregular, and inconsistent that it would be impossible of practical recognition, and would differ most materially from the clear and substantially straight line contemplated in the treaties.

The result of the whole matter is, that these treaties, which were intended and understood to establish a proper boundary, easy to observe and be maintained, really give no boundary at all so far as this portion of the territory is concerned.

A further difficulty is disclosed by the recent surveys in respect to this line. It is found that Portland Channel does not extend so far north as the 58th degree of north latitude. This, however, can probably be easily rectified upon proper survey by extending the general line of Portland Channel some four or five miles further to the north.

Under these circumstances I am instructed by my government to propose, through your Lordship, to Her Majesty's Government, that a commission be agreed on by the Governments of the United States and of Her Majesty, to be composed of commissioners to be appointed by each, who shall, under such instructions and conditions as may be mutually concurred in and upon such surveys and examinations as may be found necessary and practicable, either designate and establish the boundary line in question or report to the respective Governments such facts, data, and recommendations as may afford a basis for its establishment by Convention between them.

In addition to the statement of facts above mentioned, I have the honour to send herewith copies of the maps therein referred to. The book called "United States' Pacific Coast Pilot" I must ask your Lordship to have the kindness to return at your convenience, as I have no other copy. But should you desire it, I shall be happy to send to the United States for a copy for the use of Her Majesty's Government. And I shall be much obliged if your Lordship will cause copies to be sent me of the British and Canadian official maps mentioned in the statement.

In the conversation with your Lordship before alluded to, reference was made to the time within which my Government must apply to Congress for the appropriation necessary for the expenses of the Commission on its part if sent out this year. I have since informed myself on that point by telegraphic communication with the Department of State, and learn that if an agreement should be reached between the Governments by the 1st April, the appropriation can probably be obtained.

I venture to suggest, however, in view of the reasons which will readily occur to your Lordship, for as early an adjustment of this boundary as may be found practicable; that as such an expedition can only make progress in the summer, and as some time must necessarily be occupied in its appointment, outfit, and arrangements, it will doubtless be for the mutual interests of the Governments that a decision in regard to it should be made as soon as may be consistent.

I have, &c.,

(Signed) E. J. PHELPS.

Enclosures.

1. Statement from Instruction No. 144 of the 20th November, 1885, from Mr. Bayard to Mr. Phelps.
2. Vancouver's Chart No. 7 (photographed).
3. United States' Coast Survey Chart of Alaska No. 960, 1884.
4. United States' Coast Survey Chart No. 710, Revilla Gigedo Channel, 1885.
5. "United States' Pacific Coast Pilot," Alaska, Part I, 1883.
6. Treaty between the United States and Russia for the cession of Alaska, 30th March, 1867.

Enclosure 1 in No. 3.

MR. BAYARD TO MR. PHELPS.

DEPARTMENT OF STATE, WASHINGTON, November 20, 1885.

Sir,—Shortly after assuming the duties of this Office, my attention was drawn to the circumstance that the existing boundary line between the territory of Alaska and Her Majesty's possession of British Columbia, is not only open to doubt in certain quar-

ters, although water-bound, that it is, in certain ranges.

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ters, although not in doubt so far as this Government is concerned, in respect of the water-boundary from Prince of Wales' Island and through the Portland Channel, but that it is, also, with regard to the inland frontier, which is supposed to follow a mountain range, an impracticable one to survey, if not a geographical impossibility.

The territory of Alaska was acquired by the United States from Russia, subject to the existing demarcation of the eastern frontier-line between Russia, America and British America, under the Convention between Great Britain and Russia of the 16th (28th) February, 1825, and the description of the line contained in Articles III. and IV. of that Convention was incorporated literally—as to the English text thereof—in the 1st Article of the Treaty between the United States and Russia concluded on the 30th March, 1867. Copies of the latter Treaty are hereby annexed for your information.

I am not aware that any question concerning the true location of the line so stipulated ever rose at any time between Great Britain and Russia prior to the cession of Alaska to the United States. If any such question had arisen, and was pending at the time of the cession, the United States would naturally have succeeded to the Russian interests therein just as to any other right of Russia affecting the ceded territory. This Government, however, had no intimation then, and has had none since, from Her Majesty's Government, that any such question existed. It is not thought likely, however, that question in this regard could have existed, as the inlet, and the country through which the boundary line of 1825 ran, were in 1867 still practically unexplored. The boundary was then, as it is still, a theoretical one, based, as it is fair to be presumed, on the charts which the negotiators had before them in 1825, and which they doubtless assumed to be a substantially correct expression of geographical facts.

It is certain that no question has arisen since 1867 between the Governments of the United States and Great Britain in regard to this boundary.

The ascertainment of the true line of demarcation under the Anglo-Russian Treaty would, however, appear to have been the subject of informal consultation soon after Russian-Alaska passed to the United States, but no record of any official correspondence between the two Governments is found.

In his annual message to Congress, December 2, 1872, President Grant, after referring to the then recent settlement of the San Juan Island dispute, said:—

"Experience of the difficulties attending the determination of our admitted line of boundary, after the occupation of the territory and its settlement by those owing allegiance to the respective Governments, points to the importance of establishing, by natural objects or other monuments, the actual line between the territory acquired by purchase from Russia, and the adjoining possessions of Her Britannic Majesty. The region is now so sparsely occupied that no conflicting interests of individuals or of jurisdiction are likely to interfere to the delay or embarrassment of the actual location of the line. If deferred until population shall enter and occupy the territory, some trivial contest of neighbours may again array the two Governments in antagonism. I therefore recommend the appointment of a Commission, to act jointly with one that may be appointed on the part of Great Britain to determine the line between our territory of Alaska and the coterminous possessions of Great Britain."

An estimate of the probable cost and time of a survey of the Alaskan boundary line on the part of this Government, then made, fixed the cost at about 1,500,000 dollars, and the time required as nine years in the field, and at least one year more for mapping the results; which illustrates the magnitude of the labour.

The suggestion of President Grant was not then acted upon by the Congress, and does not appear to have been since revived before that body. Since that time the condition of increasing settlement apprehended by President Grant has assumed marked proportions. A territorial government has been organized for Alaska, and enterprise and capital are slowly but steadily making their way toward those distant shores.

In the judgment of the President, the time has now come for an understanding between the Government of the United States and that of Her Britannic Majesty, looking to the speedy and certain establishment of the boundary line between Alaska and British Columbia. And this necessity is believed to be the more urgent, inasmuch as the treaty line is found to be of uncertain, if not impossible, location for a great part of its length.

In the first place, the water boundary line, from the southernmost point of Prince of Wales Island to the 56th degree of north latitude, is not found uniformly located on the charts of different modern geographers. On a majority of such charts, as, for example, those of Staff-Commander D. Penders' Survey for the Admiralty in 1868, and those of the Geological Survey of Canada, recently published, the boundary follows the central line of the main channel, known as Portland Inlet, while in other charts prepared by British geographers, the line deflects to the northward from the broad waters

* Penders (?).—D.R.C.

of Dixon Entrance, and passes through a narrow and intricate channel lying north-westward from Portland Inlet, known on the United States Coast Survey Chart of 1885 as Pearce Channel, until it suddenly deflects southward again at right angles, to re-enter Portland Inlet, thereby appearing to make British territory of Pearce and Wales Islands, and throwing doubt on the nationality of several small islands at the south-western extremity of Wales Island. This latter construction is at the outset in manifest contradiction with the treaties, which provided "that the island called Prince of Wales Island shall belong wholly to Russia" (now, by cession, in 1867, to the United States).

There would seem to be ground, in the text of Vancouver, the original explorer and geographer of the region, for supposing that he at one time regarded Pearce Canal of later geographers as the lower part of Portland Canal. But there are very evident reasons for believing that this was not the construction intended by the authors of the Anglo-Russian Treaty of 1825, and that their purpose was the location of the natural boundary line in the broader channel called Portland Inlet on the Admiralty and the United States Coast Survey Charts.

For a clear understanding of the subject, Chart No. 7 of Vancouver's Atlas; the British Admiralty Chart, No. 2431, corrected to June, 1882, or any later edition; the United States Coast Survey Chart, No. 710, of 1885; and the charts of the Coast Pilot of Alaska, recently issued by the United States Coast Survey, should be consulted.

Of these, photographic copies of Vancouver's Atlas Chart, No. 7, and copies of the Coast Survey publications, are herewith sent you. You can doubtless obtain copies of the British Admiralty Chart by application in the proper quarter.

The language of the treaties is:—

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of $54^{\circ} 40'$ north latitude, and between the 131^{st} and the 133^{rd} degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56^{th} degree of north latitude."

So far the treaties relate to the water-boundary, and it is to be remembered, as already remarked, that the line so described was intended to leave Prince of Wales Island Russian territory in 1825, and a possession of the United States in 1867.

No record has been found in print, or otherwise so far as sought, of the circumstances attending the drawing up of the Anglo-Russian Convention of 1825, which would throw light on the understanding of the negotiators on this point; but it may be assumed with confidence that the charts employed in the negotiation were those of Vancouver. They were made by a British officer under the direction of the British Government, and would therefore be acceptable as a standard by that party to the Convention. They were the most recent charts then extant, and for half a century they remained the only authentic charts of that region, the Russians having at that time made no original surveys of importance in this district. Moreover, the wording of the Convention of 1825 is found to be in complete accord with the features presented by Vancouver's chart, and especially with Chart No. 7 in the atlas accompanying the narrative of his voyage. The description in the convention seems to be a faithful reproduction of the picture actually present to the eyes of the negotiators in that chart.

The first discrepancy that meets us, is that neither on Vancouver's nor on any other chart known, does the water-way of Portland Channel strike "the 56^{th} degree of north latitude." On Vancouver's Chart No. 7 it ends in a *cul-de-sac* about 15 miles before the 56^{th} degree is reached. This, however, is of little importance, for, with the better topographical knowledge we now possess, we know that a conventional line, in continuation of the general trend of the mid-channel line, would strike the 56^{th} degree of north latitude at a distance of some 4 or 5 miles inland.

While Portland Channel, Portland Canal, or Portland Inlet, as it is indifferently styled on the several charts, is, and has long been, readily identified as the main passage inland from the southernmost point of Prince of Wales Island, the intricate and narrow passage separating Pearce Island from the mainland is practically unsurveyed. It does not appear at all on the Pender Admiralty Charts of 1868. In the United States Coast Survey Charts it is conjecturally marked by dotted lines.

The fact that the parallel of $54^{\circ} 40'$, by the most recent surveys, enters the mouth of Portland Inlet, that the most navigable channel trends thence directly inland in an almost straight line, that Prince of Wales Island is in terms excluded from British territory, and that the name used in the Anglo-Russian Convention of 1825 is found on all existing maps, possessing authority, applied to Portland Inlet or Channel, and not to Pearce Channel, lend reason and force to the conviction that it was the intention of the negotiators that the boundary line should directly follow the broad and natural channel midway between the shores, and extend, if need were, inland in the same gene-

[†] Pearce Canal takes its name from Pearce Island, so called by Captain Pender, R.N., in 1868, after an order in the United States service.—D.R.C.

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ral direction until the range of hills, hereafter to be considered, should be reached (as appears in Vancouver's Chart) at or near the 56th parallel.

It is not, therefore, conceived that this water part of the boundary line can ever be called in question between the two Governments.

There is, however, ample ground for believing that the erroneous premises upon which the negotiators apparently based their fixation of the inland boundary line along the coast render its true determination and demarcation by monuments a matter of doubt and difficulty in carrying it into practical effect, and that, in prevision of the embarrassments which may follow delay in the establishment of a positive frontier line, it is the interest and the duty of the two Governments to reach a good understanding which shall forthwith remove all chance for future disagreement.

The Convention of 1825 continues, from the point where the quotation given above ceases, as follows :—

"From this last-mentioned point" [the intersection of the mid-channel line of Portland Channel with the 56th north parallel] "the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian), and, finally, from the said point of intersection the said meridian line of the 141st degree in its prolongation as far as the Frozen Ocean." Provided, as the Convention proceeds to stipulate in the second paragraph of the following Article IV., "that whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this Convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."

Here, again, there is conclusive internal evidence that the negotiators accepted as a fact, and described in words, the picture presented to their eyes by the chart actually spread before them. If we examine Vancouver's chart we find the evident reason for the language employed in the Convention. Vancouver, who to his integrity and zeal as a navigator joined an excellent hydrographic faculty, seems to have been but a poor topographer, and represented an impossible regular land formation, such as could not well exist, and has not been discovered to exist anywhere on the world's surface. His charts exhibit, at a moderate distance from the shore, a uniformly serrated and narrow range of mountains, like an enormous caterpillar, extending, with a general parallelism to the shore, from one end of the region in question to the other, except at scattered points, where valleys intervene, which we now know to be the valleys of the Taku, Stikine, and other rivers. The line projected from the mid-channel line of Portland Channel intersects, at about the 56th degree of north latitude, the backbone range in question, and were the features of Vancouver's Chart a correct representation of the topography, no more excellent and convenient boundary could be imagined than that following the depicted serrated ridge. It is not singular that, assuming the chart to be correct, both parties should have agreed to accept this remarkably uniform feature as marking the boundary. The better knowledge of that region now possessed shows that Vancouver's topography is not correct. There is no such range of hills as indicated upon Vancouver's charts, and as assumed by the negotiators of the Convention of 1825. The topography of the region in question has not as yet been accurately charted, but enough is known of its natural features to wholly disprove the conjectural topography of Vancouver.

Professor William H. Dall, whose researches in Alaska are well known, and whose explorations have so largely contributed to our present knowledge of the geographical and geological character of that country, upon being invited by me to report as to the accuracy of Vancouver's charts, writes as follows :—

"We have no good topographical maps of this part of Alaska ; but, having been engaged nearly nine years exploring and surveying the territory, I assert, without fear of contradiction, that nothing of the sort" (depicted by Vancouver) "exists. We have, instead, what has been aptly called a 'sea of mountains,' composed of short ranges with endless ramifications, their general trend being parallel with the general curve of North-western America, but, so far as their local parts are concerned, irregular, broken, and tumultuous to the last degree. In certain places, as from Cape Spencer to Yakutat Bay, we have the nearest approach to such a range; but even here there are broad valleys, penetrating an unknown distance, and lateral spurs given off in many directions. These Alps rise conspicuously above their fellows; but to the eastward another peculiarity of the topography is that the hills or summits are nearly uniform in height, without dominating crests and few higher peaks.

"The single continuous range being non-existent, if we attempt to decide on the 'summit' of the mountains we are at once plunged into a sea of uncertainty. Shall

we take the ridge of the hill nearest the beaches? This would give us in many places, a mere strip of territory not more than three miles wide, meandering in every direction. Shall we take the highest summits of the general mass of the coast ranges? Then we must determine the height of many thousands of scattered peaks, after which the question will arise between every pair of equal height and those nearest to them. Shall we skip this way or that, with our zigzag, impossible to survey except at fabulous expense and half a century of labour. These peaks are densely clothed with trees and deep soft moss and thorny underbrush, as impenetrable and luxuriant as the savannahs of Panama.

"In short, the 'summit of the mountains' is wholly impracticable. We may then fall back on the 'line parallel with the windings of the coast.' Let any one, with a pair of drawing compasses, having one leg a pencil point, draw this line on the United States' Coast Survey Map of Alaska (No. 960 of 1884). The result is sufficient to condemn it. Such a line could not be surveyed; it crosses itself in many places, and indulges in myriads of knots and tangles. The line actually drawn as the boundary on that map omits the intricacies, and is intended merely as an approximation. It would be subject to almost insuperable difficulties for the surveyor, simplified as it is, and the survey would cost more than the whole territory cost originally. These are the false geographical assumptions on which the language of the treaty was based, and the difficulties they offer when it is proposed to realise, by survey, the verbal boundary."

The words of Mr. Dall are those of a practical man, conversant with the region, and experienced in the class of difficulties in the way of an actual demarcation of the "conventional frontier."

The line traced upon the Coast Survey Map of Alaska, No. 960, of which copies are sent to you herewith is as evidently conjectural and theoretical as was the mountain "summit" line traced by Vancouver. It disregards the mountain topography of the country, and traces a line, on paper about 30 miles distant from the general contour of the coast. The line is a winding one, with no salient landmarks or points of latitude and longitude to determine its position at any point. It is, in fact, such a line as is next to impossible to survey through a mountainous region; and its actual location there, by a surveying commission, would be nearly as much a matter of conjecture as tracing it on paper with a pair of dividers.

If the coast and interior country from Dixon Entrance to Mount St. Elias were already accurately surveyed, its topography charted, and the heights of all its "summits" determined, it would even then be impossible, except by Conventional compromise, to locate such a line as the treaties prescribe. To illustrate this, a case nearer home may be supposed. Examine, for instance, an Ordnance Survey Map of Scotland, and attempt to mark out upon it a line which, starting from the "intersection" of the mid-channel line of the Firth of Solway and the 55th parallel, shall thence follow the "summit of the mountains" northward, as far as the 58th parallel, and which, where such "summit" shall be more than "10 marine leagues" from the Atlantic coast, shall follow the "winding" thereof. If the tracing of such a line on paper, when every material fact of contour and altitude is precisely known, were found to offer difficulty, the obstacles to the delimitation of an actual frontier, with landmarks and monuments, through a wholly unexplored country, much more broken than Scotland is, and with a sea-coast scarcely less intricate, could not fail to be many fold greater.

As a rule, a theoretical frontier, based on the assumed contour of mountain chains, is more difficult to determine with accuracy than one following known watercourses or bounded by right lines having geodetic termini.

Rude and inaccessible as is the "sea of mountains" of South-eastern Alaska, and forbidding as it may appear for ordinary purposes of inland settlement, it should be remembered that it is a mineral-bearing region, the geological continuation of the gold and silver belt of California and Nevada, and may at any time spring into an importance not now calculable. It is of evident advantage to both countries to agree upon some boundary line capable of survey at a reasonable cost, or so precisely and practically described that in case of need any given point thereon may be readily determined in advance of a general survey, and to do this while the whole question of local values is in abeyance.

* * * * *

I am, &c.,

(Signed) T. F. BAYARD.

*Accompaniments.**

1. Vancouver's Chart, No. 7. (Photographed.)
2. United States' Coast Survey Chart of Alaska, No. 960, 1884.
3. United States' Coast Survey Chart, No. 710, Revilla Gigedo Channel, 1885.

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4. "United States' Pacific Coast Pilot" Alaska, Part I., 1883.
5. Treaty between the United States and Russia for the cession of Alaska, March 30, 1867.

Enclosure 3 in No. 3.*

TREATY CONCERNING THE CESSION OF THE RUSSIAN POSSESSIONS IN NORTH AMERICA BY HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS TO THE UNITED STATES OF AMERICA.

Concluded, March 30, 1867.

Ratified by the United States, May 28, 1867.

Exchanged, June 20, 1867.

Proclaimed by the United States, June 20, 1867.

By the President of the United States of America.

* Accompaniments and enclosures not reprinted.—D.R.C.

No. 43.

(EXTRACT.)

HYDROGRAPHIC DEPARTMENT, ADMIRALTY, March 26, 1886.

REPLIES TO QUESTIONS CONTAINED IN COLONIAL OFFICE LETTER OF 20th March 1886 relating to the BOUNDARY of ALASKA.

The latitude and longitude—at present adopted on the British charts, of the southern point of Prince of Wales Island (or Archipelago) Cape de Chacon, is latitude $54^{\circ} 42' 1''$ N. longitude $131^{\circ} 54'$ W. the latitude being taken from Vancouver's chart published in London, May 1st, 1798; the longitude being that of Vancouver ($131^{\circ} 45'$ W.) adapted to the Admiralty charts.

The most recent determination of the latitude and longitude of this point is by the American Coast Survey. A chart* published by the United States Government "Reconnaissance of the Shores of Tlevak and connecting Straits from Cape Muzon to Tlevak narrows,—Alaska,"—issued January, 1883, shows that the latitude and longitude were determined, of a position in Long Island—Howkon Village,—which, by Vancouver's chart (based on Spanish authorities, but which still remains as the only source of information we possess) is 48 minutes of longitude west of Cape de Chacon, and $7\frac{1}{2}$ minutes of latitude north. This will give the position of Cape de Chacon as latitude $54^{\circ} 43' 09''$ N., and longitude $132^{\circ} 2' 12''$ W.

The name, Prince of Wales Island, appeared first on the Admiralty chart entitled Vancouver's Island to Cordova Bay, No. 2430 (published in June, 1856,) in about the year 1861. The name appears to have been applied from the Russian chart of 1849, and as being synonymous with the Prince of Wales Archipelago of Vancouver.

The name of "Wales Island" appears to have been first applied to the Admiralty chart 'Queen Charlotte Island and adjacent coasts,'—on its publication in March, 1853; and to have been perpetuated therefrom on other Admiralty charts to the present day. No authority is known for this. In all probability the want of a name for the island at the entrance of this large fiord, by which reference could be made to it, prompted the extension of Vancouver's name for the south point to the whole island. This practice is of daily occurrence in compiling charts in the Hydrographic Office.

The most authentic record of the latitude and longitude of Point Wales (or Wales Point of modern charts), the southern point of Wales Island mentioned in answer 5, is latitude $54^{\circ} 42' 29''$ N., longitude $130^{\circ} 28' 40''$ W. It was determined in the Admiralty survey of those parts in 1868, by triangulation from a station at Port Simpson, fixed by astronomical observation.

The name Portland Inlet first appears in the Admiralty chart, "Queen Charlotte Island and adjacent coasts," published in March, 1853; and has been perpetuated therefrom on other Admiralty charts to the present day. No authority can be traced for bestowing this name.

This chart was, on the publication of No. 2430 in 1856, removed from the plate in order to insert other plans in its place. No copy has been retained at the Admiralty.

During these operations (i.e., the survey of Portland Canal and Observatory Inlet in 1868) the lower part of Portland Canal, which lies west of the island termed Pearse Island by the surveyors in 1868, was not examined, and is therefore shown as a dotted line, which was also reproduced on the existing plate.

* See Appendix Map No. 13.

No. 44.

CAPTAIN D. PENDER, R.N., TO COLONEL D. R. CAMERON.

(Extract.)

HYDROGRAPHIC DEPARTMENT, July 8, 1886.

Taking high water on 26th July 1793 at about 2 a.m. (which would agree fairly with the "establishment" of our Survey (H.W., Nasse 1h. 5m., Portland Canal 1h. 30m.)). It would have been H.W. on the 29th at about 4.30 a.m., and consequently low water on that day about 10 a.m. at head of Portland Canal.

That would have been some days after spring tides.

By the Nautical Almanac for 1793 it was full moon on July 22nd.

(Extract Dominion of Canada Sessional Papers, 1878. Vol. II., No. 125.)

No. 45.

APPENDIX I.

The proposed strength and pay of the staff of the Commission are as follows:—

STRENGTH AND DISTRIBUTION.

Head-quarters.

1 commissioner.	1 assistant.
1 secretary.	1 veterinary surgeon.
2 clerks.	1 assistant.
2 servants.	1 geologist and botanist.
2 grooms.	1 geologist and botanist assistant.
2 cooks.	4 photographers.
6 boatmen.	4 servants.
1 camp foreman.	4 cooks.
4 Indians.	6 packers.
1 surgeon.	6 boatmen.

NOTE.—The above details were revised after the manuscript from which the Sessional Paper was printed had been submitted.—D.R.C.

One.

Astronomical Party.

2 officers.	2 servants.
1 computer.	2 cooks.
1 sergeant in charge of work.	4 axemen.
2 chainmen.	1 packmaster.
1 instrument man.	13 packers.
2 front picket men.	7 boatmen.
2 rear picket men.	1 herder.
1 topographer.	

Two.

(2.) Surveying Parties.

Each.

1 officer.	1 servant.
1 sergeant in charge of work.	2 cooks.
1 compass man.	4 axemen.
1 instrument man.	1 packmaster.
2 chainmen.	11 packers.
2 picket men.	7 boatmen.
2 topographers.	1 herder.

Commissariat Department.

1 commissary.	3 packmasters.
1 quarter-master-sergeant.	20 packers.
8 dépôt men.	2 herders.
3 butchers.	

Four.

(4.) Trail-making Parties.

1 sergeant in charge.	1 packmaster.
10 axemen.	2 packers.
1 cook.	

Artificers.

1 blacksmith.	1 tailor.
1 carpenter.	1 shoemaker.
1 saddler.	1 cook.

*See Appendix Map No. 13.

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Party.

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SUMMARY OF DISTRIBUTION.

	Officers.	Non-com. Officers.	Sappers.	Civilians.	Indians.
Headquarters.....	5	1	4	38	4
Astronomical party.....	2	1	9	30	
Two surveying parties.....	2	2	16	54	
Four trail making parties.....		1		50	
Commissariat.....	1	1		36	
Four depot parties.....			20	4	
Casualties.....			6	5	
Total.....	10	5	55	226	4

SUMMARY OF ESTIMATES OF PAY.

Officers.

Dollars.

1 commissioner.....	4,887
1 secretary.....	1,582
1 astronomer.....	2,922
1 assistant astronomer.....	1,948
1 surgeon.....	2,000
1 geologist and botanist.....	2,000
1 veterinary surgeon.....	1,800
1 commissary.....	2,000
2 surveyors, \$1,461 dollars each.....	2,922

Per annum..... 22,044

Royal Engineers.

Dollars.

1 sergeant-major.....	2 00
1 quarter-master-sergeant.....	2 00
3 sergeants, \$1.83½ each.....	5 50
4 corporals, \$1.66½ each.....	6 66½
4 2nd corporals, \$1.50 each.....	6 00
8 lance-corporals, \$1.33½ each.....	10 66½
39 sappers, \$1.10½ each.....	45 50

Per day..... 78 33½

DETAILS OF PAY OF CIVILIANS FOR ONE MONTH.

Party.	Servants.		Cook.		Ammen.		Pack-masters.		Fackmen.	
	Rate per month.	Amount.	Rate per month.	Amount.	Rate per month.	Amount.	Rate per month.	Amount.	Rate per month.	Amount.
Astronomical..	2 40 80	\$	2 40 80	\$	4 45 180	\$	1 125 125	\$	13 60 780	
2 surveying...	2 40 80		4 40 160		8 45 360		2 125 250		22 60 1,320	
4 trail parties.....			4 40 160		40 45 1,800		4 125 500		8 60 480	
4 depots.....			4 40 160							
Commissariat.....							3 125 375		20 60 1,200	
Headquarters.....	6 40 240		6 40 240						6 60 360	
	Assistants.		Clocks		Foreman.		Grooms.			
Headquarters.....	3 60 180		2 75 150		1 60 60		2 40 80			
Trail parties.....					3 60 180					
Casualties.....									5 60 300	
Totals.....		590		900		2,580		1,330		4,440

DETAILS OF PAY OF CIVILIANS FOR ONE MONTH—Continued.

Party.	Haiders.	Rate per month.	Amount.	Boatmen.	Rate per month.	Amount.	Levy's men.	Rate.	Amount.	Butchers.	Rate.	Amount.	Total.
Astronomical...	1	30	30	7	40	280							1,555
2 surveying....	2	30	60	14	40	560							2,790
4 trail parties.....													2,040
4 depots.....													0
Commissariat....	2	30	60				8	60	480	31	40	124	2,225
Headquarters.....				12	40	480							1,320
Headquarters.....													0
Trail parties.....													160
Casualties.....													300
Total.....			150			1,320			480			124	1,900

STATEMENT OF ESTIMATE OF EXPENDITURE IN THE FIELD FOR THREE YEARS.

	Dollars.
Pay of officers, civil and military.....	\$6,125
Pay of detachment, Royal Engineers.....	25,775
Pay of civilians.....	133,400
Purchase of mules.....	47,520
Winter quarters.....	60,000
Cost, including purchase of instruments.....	34,548
Provisions.....	63,480
Transport.....	142,500
Transport of Royal Engineer detachment and instruments from England via Victoria to Fort Simpson.....	14,155
Transport of provisions, tools, camp sundries, &c., from San Francisco to Fort Simpson.....	10,900
Sundries and contingencies.....	30,300
Total.....	1,069,200

Of the above sum 440,000 dollars would be required in the first year.

APPENDIX II.

ESTIMATE OF EXPENDITURE

Head of Expenditure.	Amount.
	\$
Annual pay of officers.....	22,041
" " Royal Engineers.....	28,592
" " civilians.....	133,400
In proportion to duration of fieldwork.... Annual cost of provisions.....	34,548
forage.....	47,520
transport.....	3,300
60 per cent to be added for any period over three seasons.... Annual sundries and contingencies.....	12,115
Winter quarters.....	60,000
Independent of duration of work.... Transport of Royal Engineers from England.....	14,155
Purchase of mules.....	47,520

APPENDIX III.

Head of Expenditure.	To comply strictly with Treaty, 7 years.	United States Scheme, 3 years.	By altering Treaty, 2 years.
	\$	\$	\$
Pay of officers, civil and military.....	154,287	66,129	40,482
" detachment, civil and military.....	200,095	35,776	57,171
" civilians.....	1,083,800	430,200	111,922
Purchase of mules.....	80,000	80,000	6,000
Winter quarters.....	65,455	60,000	50,000
Unit and equipments.....	51,882	34,548	32,083
Purchase of provisions.....	241,941	163,589	90,000
" forage.....	332,640	142,660	7,128
Transport of Royal Engineers from England.....	14,155	14,155	14,155
" stores and provisions.....	25,000	10,000	7,000
Sundries and contingencies.....	60,511	36,240	15,800
	2,229,766	1,063,297	422,713

Ref. 240,032 on 1,301 (No. 3).

CERTIFIED COPY OF A REPORT OF A COMMITTEE OF THE HONOURABLE THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL ON THE 30TH JUNE, 1890.

The Committee of the Privy Council having laid before them a Despatch dated 29th April, 1890, from the Right Honourable the Secretary of State for the Colonies, having reference to previous correspondence respecting the proposed joint survey by Great Britain and the United States of the Alaska Boundary.

The Minister of the Interior to whom the subject was referred states that with the exception of sending a confidential Agent to inquire what surveys were being carried on by the United States on the coast of Alaska no steps have been taken in the direction indicated.

The Minister, in this relation, draws the attention of Council to a Draft Minute of Council prepared upon his report of the 25th February, 1889, a printed copy of which is hereto attached, and he submits that the Minute in question applies as well in the case to-day as when originally prepared, and he recommends that the same be adopted by Council as an expression of the views of the Government of Canada in relation to this question.

The Committee concurring in the above, advise that a copy hereof be forwarded confidentially to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council.

To the Honourable

The Minister of the Interior.

With P. C. No. 158 H.—1890; Ref. 240,032 on 1,301 (No. 3.)

The Committee of the Privy Council have had under consideration a despatch dated 17th December, 1888, from the Right Honourable the Secretary of State for the Colonies, transmitting a proposal made by the Government of the United States in respect to the boundary of Alaska, that Her Majesty's Government should send a party to join and participate with a party about to be sent to the territory in question by the United States, "in the examination and survey in such a manner as to reach if possible a joint and concurrent conclusion in respect to the facts material to be determined." The object of the proposed party is further stated to be "the survey of the locality of the line in question" (the boundary line) "and the ascertainment of the facts and data necessary to its delineation in accordance with the spirit of the existing treaties in regard to it between Great Britain and Russia and between the United States and Russia."

The Minister of the Interior to whom the matter was referred, observes that throughout the correspondence which accompanies the despatch of the Colonial Secretary, as well as in a letter upon the subject, dated the 14th December, 1888, addressed directly to the Minister of the Interior by the Superintendent of the United States Coast and Geodetic Survey, it is assumed that the boundary line prescribed by the

Anglo-Russian Convention of 1825 is impracticable, and the object of the expedition and survey proposed by the United States is therefore clearly not the ascertainment of the facts and data necessary to the delimitation of the boundary already provided for by international agreement, but to "afford the geographical information requisite to the proper negotiation" of a new Treaty between the United States and Great Britain, to be substituted for the Treaty of 1825 between Great Britain and Russia. To this assumption, and the proposition based upon it, the Minister directs special attention, and he submits (1) that there is no evidence to show that the line prescribed by the Treaty of 1825 is impracticable; (2) that Canada cannot therefore assent to the assumption that it is, and (3) that while the Canadian Government is and always has been ready to co-operate with the Government of the United States in a delimitation of the boundary prescribed by the Convention of 1825, co-operation upon the understanding that that boundary is impracticable would be impossible.

The Minister further observes that on the 19th April, 1899, Sir Lionel West, then British Minister at Washington, communicated to the Honourable Mr. Bayard, United States Secretary of State, a memorandum stating that the Government of Canada had expressed its general agreement to a preliminary survey such as was suggested in the President's message of that year, and was of opinion that such a survey would enable the two Governments to establish a satisfactory basis for the delimitation of the frontier, and would demonstrate whether the conditions of the Convention of 1825 were applicable to the now more or less known features of the country. This was not, however, an assent to co-operate in the making of a survey on the theory that the line prescribed by the Convention of 1825 is impracticable, nor that the making of a new Treaty was necessary, but on the contrary, was an assent to the making of a survey which should be conducted with the object of giving effect to the Treaty already in existence.

The Minister remarks that if co-operation were sought with the object stated, that is to say, with the object of establishing a satisfactory basis for the delimitation of the boundary prescribed by the Anglo-Russian Convention of 1825, he is inclined to the opinion, from the claims already foreshadowed by the United States in relation to Lynn Canal, the Stikine River, and Portland Canal, that it would be necessary that a definite understanding and agreement should be arrived at between the two countries as to the purpose which the surveying parties should have in view, otherwise the great and manifest advantages of co-operation could not be attained.

The Minister further states that the contention of Canada is that the words "La crête des montagnes situées parallèlement à la côte," which occur in the third Article of the Anglo-Russian Treaty of 1825, refer to the mountains nearest the ocean, and not to any other mountains further inland, and he recommends that steps be taken to ascertain at the earliest possible moment whether the United States accept this interpretation, and if not, that they be invited to intimate with precision what their interpretation of the third Article of the Treaty is, and that in the absence of agreement upon this point, co-operation between survey parties sent out by Canada and the United States would not be practicable.

The Minister further observes, that in respect of the portion of the boundary between Prince of Wales Island and the head of Portland Canal, the United States have advanced views which are opposed to those maintained by Great Britain, on behalf of Canada, and it is most desirable that an agreement should be arrived at as to whether the Convention of 1825 requires that the direction of the delimiting line shall be the most direct between the southernmost point of Prince of Wales Island and the ocean entrance to Portland Canal, or is it required that this line shall anywhere follow a parallel of latitude? The United States are understood to contend that Portland Inlet is a part of the Portland Channel through which the Convention of 1825 directs the line to be run, which contention Canada denies, and asserts that the passage along the coast through Pearce Channel to the ocean is part of Portland Canal. The correct interpretation of the expression "Portland Channel," used in the Treaty of 1825, should be decided upon as speedily as possible.

Whichever view prevails, however, the authoritative determination of the southernmost point of Prince of Wales Island, and the accurate location of any islands between Prince of Wales Island and the continent on the line to the ocean entrance to Portland Canal will be necessary, and co-operation in arriving at this determination should be readily assented to if the hydrographic survey between Prince of Wales Island and the head of Portland Canal could be undertaken by one of the vessels of the Pacific squadron of Her Majesty's navy, it being understood that the British party's attention would be specially directed to the survey of the passage from the south of Tongas Island along the main coast through Pearce Channel, into waters which are admitted on both sides to form a part of Portland Canal.

The Minister states that the Canadian Government might further co-operate with the United States in determining by astronomical observations or triangulation, as might be agreed upon by the officers in charge of the respective parties to be best

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suited to the requirements of the case, the geographical position of a number of points on the shores of the coast strip, on which to found future inland surveys. The Government of Canada might also send, during the present season, three or four survey parties to commence the inland work mentioned, but as these parties, for the reasons already herein set forth, would require to conduct their operations independently of the United States' parties, it would be necessary to obtain the consent of the United States to the prosecution of so much of these surveys as would have to be performed within United States' territory, the same privilege being of course extended to the United States, in so far as their survey parties might find it necessary to carry on their work within British territory.

It would obviously tend to facilitate the completion of the necessary arrangements if Her Majesty's Government were to consent that all details, including future communication with Washington, be carried out under the direction of the Government of Canada.

The Minister represents, in order that there may be no misunderstanding on the subject, that any suggestions contained in this memorandum looking in the direction of co-operation with the survey parties proposed to be equipped and sent out by the United States Government are based upon the presumption that co-operation is sought for the purpose of establishing a satisfactory basis for the delimitation of the boundary prescribed by the Anglo-Russian Convention of 1825. Upon that understanding there could be no difference of opinion as to the object of both countries as regards the 141st degree of west longitude, and he recommends that the necessary steps be taken to acquaint the Government of the United States that the Government of Canada is as ready as formerly to join in a delimitation of the line, under the supervision of a joint commission to any extent required and agreed upon in that behalf. Meantime, it should be stated that the Government of Canada, upon its own account and at its own sole expense, sent a party into the Yukon country in the spring of 1887, in charge of Mr. William Ogilvie, a qualified astronomer and surveyor, who made a series of observations for the purpose of ascertaining and he has ascertained, approximately, the point of intersection of the Yukon River by the 141st degree of west longitude, besides which he made an examination and surveys of the territory to the north, and as any party sent jointly by the two countries could accomplish very little more than has already been done by Mr. Ogilvie, the Minister is of the opinion that the results of a joint survey at that point would, as far as Canada is concerned, serve no purpose which would justify the expenditure.

The Committee, concurring in the foregoing report, advise that Your Excellency be moved to forward a copy of this minute to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

ALASKA.—REPORT OF OTTO J. KLOTZ.

PRESTON, Dec. 11, 1889.

SIR,—On August 22nd last I received verbal instructions from you to proceed to Alaska and ascertain, if possible, what surveys the United States Government is having made there preliminary to the discussion and delimitation of the boundary between Alaska and Canada.

I started for Alaska the following day and arrived in Victoria on the 1st of September.

To ascertain the desired information it was thought best to engage a small steam schooner and with it to follow the main shore-line of Alaska beginning at Portland Channel, hoping thereby to intercept any survey party at work.

It may be stated incidentally that no sailing craft could be used in these inland waters of south-eastern Alaska on account of the strong tides, calms on the one hand adverse winds and fierce willy-waws on the other.

Upon inquiry it was found that there was no steam schooner at Victoria save the "Saturna" which was offered for sale at \$4,500, said to have cost \$6,700.

She is 46 ft. long, 12 ft. beam, draws 5 ft. of water, has two bunks and is of 16 tons burthen. To buy this craft was out of the question. The other steam schooners in which Victoria parties were interested were all at the salmon canneries along the mainland coast up to the Nase River and hence no definite arrangement about any of them could be made, and as the mail communication at best is only every fortnight to these canneries much valuable time would have been lost, the season being already far advanced, in corresponding with the captains of these schooners. Hence I decided to avail myself of the regular steamboat of the Pacific Coast Steamship Company plying between Tacoma and Sitka, calling at various ports on the way, amongst others at Victoria, and on the steamboat to make the round trip of Alaska.

In the meantime I had written to Mr. R. Cunningham at Port Esington about his steam schooner, and had made arrangements with the Customs to allow the American steamer to land me on my return at Port Simpson where I expected to find a reply from Mr. Cunningham and possibly his craft too, wherewith to begin my coasting, in case I had till then not succeeded in my mission.

Through the wreck of the "Ancon" in Naha Bay I was detained at Victoria till Sunday, September 15th, when I boarded the "Corona" which took the place of the ill fated "Ancon."

From the nature of my mission I travelled incognito.

After a day's journey it was learned that amongst the passengers were E Francis, U. S. Pilot for south-eastern Alaska and specially engaged with the U. S. survey vessel "Carlile Patterson," Mr. Swineford, ex-Governor of Alaska, George Bullene, U. S. Boiler Inspector, and W. Bryant, U. S. Inspector of hulls, all men who were officially familiar with Alaska.

From Mr. Francis, who has been for 22 years pilot in south-eastern Alaska, the following and important information was obtained:—

The "Carlile Patterson" is a three masted steamer, 135 ft. long, 32 ft. beam, of 800 tons displacement, barque-rigged and capable of steaming 9 knots on a consumption of 8 tons of coal a day, and 7 knots on a consumption of $4\frac{1}{2}$ tons of coal a day in smooth water, and generally carries from 15 to 20 M. ft. lumber for signals and scaffolding. She has ten officers and a crew of fifty-two men, making sixty-two all told. Accompanying the "Patterson" are three steam launches, one has two or three bunks for officers, and others forward for crew. This launch, "Cosmos," is of 16 tons, and to man it it requires a fireman, pilot and cook. The two other launches are open, i.e., not covered, and of 3 to 4 tons.

During the past year the "Patterson" has been engaged in the survey of Stephen's Passage and Seymour Channel delineating the shore-line and taking soundings for the purposes of navigation. Stephen's Passage lies between Admiralty Island and the mainland, and Seymour Channel is a deep bay in the above cited island.

No inland topographical work was done, although prominent peaks are located by triangulation, and if an easily accessible elevation near the shore presents itself it is occupied for the better determination of the location of prominent physical features of the country. Otherwise the work is nearly all done from boats. After the "Patterson" arrives on the survey ground she seldom moves about, save short distances to another anchorage, the work being done with the steam launches and boats.

For the principal triangulation along the coast, base lines of 3 to 4 miles are measured by means of one continuous piece of piano wire supported by boats, a quarter to half a mile apart, and to which a tension of 30 lbs. per mile is applied, the length of the wire is determined before and after its application as above. In the hydrographic work the usual adoption of a plan of sounding lines prior to the commencement of the survey is not strictly adhered to, but is modified by the peculiarities incident to the survey such as the condition of winds, weather and currents. The "Patterson" has now no topographical party on board. The officers all belong to the navy; the astronomer is generally a civilian, although at present he is an officer too. As already mentioned the steamer takes out each year some 15 to 20 M. ft. of lumber for signals, both small and large, the larger ones for the primary triangulation are from 30 to 40 ft. in height and are built of inch-stuff.

The "Patterson" proceeded to Alaska in April last and returned on September 28th. She winters at San Francisco or more generally at the Navy Yard at Mare Island, in San Pablo Bay. The office work is done on board, or in the offices of the Navy Yard.

Eight to nine hundred miles of shore-line is considered a good season's work; this includes islands.

The weather in south-eastern Alaska is very variable, during some seasons six weeks of continuous fine weather prevail, while the following one may have almost continuous rains.

Port Simpson in British Columbia is and has been the basis for longitude for the survey of south-eastern Alaska. The reason of this is that many observations had already been taken here by British navigators prior to the beginning of the United States' survey, and besides having a Hudson's Bay post and small settlement it was a desirable place for storing the United States' launches, there being formerly no other place on the coast to the north (in Alaska), to offer these advantages. It is already seen then that each year's observations here increased its value as a point of reference.

After the "Patterson" leaves San Francisco she calls at Port Townsend where observations for time are taken and a comparison of chronometers made with Washington by a direct telegraphic circuit. Of chronometers ten are carried on board, made, first at Port Simpson and then at Port Townsend, thereby obtaining a deter- proceeding to work in Alaska. After the season's work similar observations are again made, first at Fort Simpson and then at Port Townsend, thereby obtaining a deter-

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mination of rate, which quantity enters directly into the observations for longitude on the survey.

Cape Fanshaw on the mainland and in Prince Frederick Sound has now been accurately connected with Port Simpson and is to be used hereafter as a point of reference for longitude.

Congress appropriated \$100,000 in 1883 for the construction of a survey vessel specially fitted for the waters of south-eastern Alaska. In compliance therewith the "Carlisle Patterson" was built and launched in January, 1884.

From G. Lockerby, Customs House officer at Port Simpson, B.C., the information was obtained:—

The "Patterson" left here on the 22nd of April last, and returned on October 2nd on her way to San Francisco. The steam launch "Cosmos" was then put on her ways here. Observations were taken before leaving and again on their return here, as has always been their custom. The field of operation has been in surveying the channels south of Juneau.

From D. L. Shoemaker, trader and storekeeper at Fort Wrangell, it was learned that no survey vessel has passed there during the past year save the "Patterson". The survey around Wrangell is completed. Inquiries along the coast at the various places at which we stopped elicited the same information, i.e., that the "Patterson" was the only vessel engaged in surveying in south-eastern Alaska, and in continuation of her previous year's work of shore-line and hydrography.

ITINERARY.

The route covered by my trip in Alaska, was as follows:—

After passing across Dixon Entrance we stopped in succession at Tongass Narrows and Loring in Naha Bay, both places having salmon canneries but no other industry nor settlement. The next landing place was at the deserted village of Fort Wrangell. From here we continued through the tortuous Wrangell Straits, Prince Frederick Sound and Stephen's Passage to Juneau, the largest settlement in Alaska, having probably a thousand inhabitants, all dependent upon mining.

The great Treadwell gold mine of 240 stamps, on Douglass Island, opposite Juneau, was also visited. The quartz vein of this mine is 500 feet wide, intersected by what the miners call a slate "horse". The quartz is a very low grade ore, and the gold is extracted from the iron pyrites by the chemical process of chlorination after first roasting the ore. Whenever free gold is found it is in small spar veins in the quartz. The mine is an open one and is now sunk 200 feet from the surface. The cost of mining is 85 cents per ton, and of stamping and chlorinating 80 cents, and nets \$3 per ton. Twenty thousand tons are crushed monthly, so that the net profit of this mine gives the handsome sum of about three-quarters of a million dollars a year. From here Lynn Canal was ascended and both Chilkat and Chilkoot Inlets entered, the former to Pyramid Island, in the vicinity of which there are three salmon canneries, the latter to the defunct Haines' Mission. Retracing our steps until Icy Strait was reached we steamed north-ward into Glacier Bay, where the famous Muir Glacier was visited, walking out on its eastern flank about two miles. Turning south we called at the cannery at Bartlett Bay before leaving Glacier Bay. From there, after passing through Chatham and Poril Straits, we put in at picturesque but dilapidated Sitka, the capital, whose glory is buried in past generations. At present there are stationed at Sitka twenty-six marines under Lieutenant Turner, and belonging to the War-ship "Pinta." For defence two howitzers are available.

To await the out-going mail the steamer must always remain 24 hours at Sitka.

The revenue cutter "Rush" was lying in the harbour, having quite lately returned from her cruise in Behring Sea, where she made a number of seizures of Canadian schooners engaged in sealing on the high seas. The complement of the "Rush" is forty-five men, and she carries two cannon and two gatlings.

Leaving Sitka the return journey was begun, calling first at Killisnoo on Admiralty Island. Here are oil works, besides an Indian settlement. Several hundred barrels of oil obtained from the herring were taken on board. The refuse from the hydraulic presses, by means of which the oil is extracted, is roasted and ground and shipped as fertilizer to the Spreckels sugar plantation on the Sandwich Islands.

The steamer touched again at Juneau on the return journey and at the other places southward already mentioned. At Juneau, the United States survey vessel "Patterson" was seen and photographed.

As the special information that was desired had by this time been obtained it was unnecessary to charter a steam schooner, charter a steam schooner and coast along south-eastern Alaska. This alone would have cost more than my whole trip.

It was considered to be in the interest of the Department that the Coast Survey Office in San Francisco be visited. Accordingly, after a few days' detention at Vi-

toria, after returning from Alaska, I proceeded to San Francisco *via* Portland and the Mount Shasta route. There I met Lieut. H. E. Nichols, United States Navy, and Mr. Lawson, who, in the absence of Prof. G. Davidson, is in charge of the Coast Survey Office. Both gentlemen received me most kindly and cheerfully answered the questions asked.

Lieut. R. E. Nichols, United States Navy, is in charge of the Pacific Coast Pilot and is at present engaged revising the edition of 1883 and expects to have another out within a year. He is the officer who began the coast survey of south-eastern Alaska, and it was also he who had the ways built at Port Simpson for housing the steam launches accompanying the survey vessel. The survey of south-eastern Alaska, *i. e.*, that portion lying east and south of Cross Sound will soon be completed. Next year there will probably be two parties out working in Chatham Straits and vicinity. The information acquired from other sources that Port Simpson has been the base for longitude work in Alaska was repeated to me by Lieut. Nichols, and also that time observations are taken at Port Simpson in the spring and fall, as well as at Port Townsend, where a circuit with the Davidson Observatory at San Francisco or Washington is had. He informed me that two Coast Survey parties had been sent to the Yukon this year for taking observations to determine the intersection of the meridian of 141 degrees west longitude with the Yukon and Porcupine Rivers. The parties ascended the Yukon from St. Michaels by means of the steamer of the Alaska Commercial Company, one party to ascend the Porcupine, the other to station itself near Fifty Mile Creek, where our Mr. Ogilvie observed. They will winter in the country and are well supplied with instruments. Last year there was a triangulation made of Portland Canal or Channel, the plan of which was shown to me. On it was noticed an astronomic station on the west side of the mouth of Bear River, and in latitude 55 degrees 56 minutes (to the nearest minute). In the Coast Survey mountain peaks are put in by triangulation from shore, and if a peak is close by and accessible it is occupied, otherwise no inland or on-land surveys are made.

The Alaska Coast Survey is carried on on the same lines as Pender's hydrographic survey of British Columbia.

This is the substance of the information obtained from Lieut. Nichols.

I was in hopes of meeting Prof. G. Davidson at San Francisco in charge of the Pacific Division of the United States Coast and Geodetic Survey, but unfortunately found him absent, being at Paris attending the International Geodetic Congress. The officer next in charge, Mr. J. S. Lawson was, however, seen and topics of professional interest in general discussed, besides ascertaining on my part the work being done in Alaska. On this latter topic nothing essentially new to me was learned, the gist being that two parties are engaged in determining the 141st meridian on the Yukon and Porcupine, for the purpose of establishing the boundary line, and a third party is simply continuing the coast and hydrographic survey of former years, in south-eastern Alaska.

A short detour was made to the Navy Yard at Mare Island where I boarded the "Ranger," a two-masted schooner used for coast survey, hydrography and deep-sea soundings. She carries two small guns, has 150 men and 25 naval officers. The United States Coast Survey vessel "McArthur" was also lying at anchor here. Both of these vessels were engaged on the California coast during the past season, as also the "Hassler."

The opportunity was embraced, too, of visiting the Lick Observatory on Mt. Hamilton, where I remained two days enjoying the hospitalities of the Director, Prof. Edward S. Holden, and had the pleasure of examining the great 36 in. refractor besides the numerous other instruments, gaining thereby information which will be of service in my official capacity with the Department of the Interior.

PHYSICAL FEATURES.

The following notes on the physical features of south-eastern Alaska are based partly on personal observations and partly on information gathered from reliable sources.

The description will begin at Dixon Entrance and continue along the shore of the mainland northward.

The whole country is intensely mountainous.

NOTE.—As there will be frequently occasion to refer to the Pacific Coast Pilot, Part I., Alaska, edition 1883, P. C. P. will be used as a designation therefor.

To quote from the P. C. P., p. 109, "the same type of topography prevails upon the continental border as that exhibited in the half-submerged condition of the Columbian and Alexander archipelagoes. If the latter were entirely elevated above the sea level, they would in essential features resemble the present continental border, and, were the valleys of the last depressed below the sea level, a similar extension of the Archipelago, without change of character, would be the result. Sumner Strait appears

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to be merely the prolongation seaward of the valley of the lower Stikine." In passing from Chatham Sound across Dixon Entrance, the entrance (or Portland Inlet as designated on some charts now) to Observatory Inlet is distinctly seen, whereas the entrance to the Portland Canal or Channel of Vancouver or Pearse Canal of the U. S. charts now, is not distinguishable, chiefly on account of the number of small islands which lie between it and the open sea. Snow-capped peaks were seen in the direction of Portland Channel and southward, they appeared to be behind foot hills, which apparently have a long, gentle sloping base towards the sea, and are all densely wooded. This gentle sloping with comparatively low banks is marked here in contradistinction to the characteristics of the mountains farther north on the Alaskan coast, where almost universally the land rises abruptly from the ocean to mountain heights. North of Pearse Island along Portland Channel the land rises abruptly from the water's edge, sometimes to the height of 6,000 feet, and the mountains are snow-clad the year round. The head of Portland Channel terminates in low, woody, swampy land, the shallows being formed by detritus carried down by the Salmon and Bear Rivers flowing from the north and discharging at the head of the canal or channel. Following the mainland shore-line northward we find it bounded on one side by immediately contiguous mountains except where intersected by rivers.

The mountains which rise immediately from the water's edge are not always the highest ones visible, as for instance at Juneau the adjacent mountain ridge is fully 3,000 feet high, being above the timber line some hundreds of feet, yet beyond this mountain ridge and across the intervening valley are mountains considerably higher, and naturally carrying more eternal snow.

Ascending Sheep Creek, three miles below Juneau, to its head, being about four miles in a straight line, and there climbing the adjacent mountains, which contain numerous glaciers and are at least 2,000 feet higher than the mountain ridge immediately behind Juneau and already referred to, one can see the Auk Glacier, Lynn Canal, and southward to Port Snettisham and Holkham Bay, locally known as Sundum Bay. There seems to be a continuation of glaciers to Auk Glacier, and as far as the eye can reach all is one sea-field, with bare peaks sticking out here and there. The highest peaks in this vicinity appeared to be 15 to 20 miles from the coast.

From the same point of observation a distant view to the south-eastward is obstructed by the high range of mountains running along the east side of Taku Inlet.

Holkham Bay is bounded by lofty mountains.

The first glacier-ice, as floes or miniature bergs, is encountered after emerging from Wrangell Narrows. It is sent forth by the Patterson Glacier. Beyond or northward along Prince Frederick Sound, Stephen's Passage, Taku Inlet, Lynn Canal and Glacier Bay numerous glaciers are seen, and into the last mentioned bay the great Muir Glacier, presenting an ice-wall to the sea one mile wide and three hundred feet high, discharges or rather tumbles. Its *névé* and icefields extend eastward and join those of the Davidson Glacier which empties into Lynn Canal.

An approximate estimate of the extent of the Muir Glacier with its laterals gives an area equal to about the one-eighth of the whole of Switzerland.

The proximity of these ice-rivers becomes apparent at sea by the discolouration of the sea-water to a dirty milky colour.

The Stikine sends its glacial waters far out to sea, at the same time depositing large amounts of sedimentary matter, forming extensive shoals.

Nearly all shoals, and there are not many, in Alaskan waters are due to the action of glaciers.

At Berner Bay, in Lynn Canal, the timber line is found at an elevation of 2,000 feet, the bay is surrounded by precipitous snow-clad mountains of 5,000 feet, and upwards. Three streams enter this bay, the East Twin, Middle Twin, and West Twin, not shown on the charts as yet.

The peninsula separating Chilkat and Chilkoot Inlets in Lynn Canal is comparatively low and covered with brush, whereas immediately behind the west shore-line of Lynn Canal rise lofty snow-clad mountains embracing practically the peninsula lying between Lynn Canal and Glacier Bay.

Immediately to the west of Glacier Bay and north of Cape Spencer we encounter the St. Elias Alps extending westward beyond the 141st Meridian (boundary line). These mountains rise immediately behind the shore-line and include the highest uplifts of the North American Continent. At the south-eastern extremity of this range the summit is about ten miles from the shore; this distance increases slightly towards Yakutat Bay.

The summit of Mt. St. Elias is about 20 miles from the sea as determined by triangulation.

From the very mountainous character of the whole country access to the interior of south-eastern Alaska is only practicable along rivers, and of these there are but a few, besides some creeks several miles in length.

The principal rivers, the Stikine, Taku and Chilkat, rise in Canadian territory. The rainfall throughout south-eastern Alaska is large, yet varying considerably between different places and for different years.

The annual precipitation at Juneau is about 9 feet.

As a result of the humid atmosphere the vegetation is rank and the whole surface of the mountains below the timber line is densely wooded.

The most common timber is the Sitkan spruce, it is softer than the Puget Sound fir, and is apt to crack or check, but is not very pitchy. The pitch is found mostly in the sap-wood and not in the heart. Three feet across the stump is an average size, and sometimes trees of six feet in diameter are found. Besides this wood hemlock is found, whose dimensions often exceed those of the spruce, but it is not utilized. Yellow cedar, balsam fir, scrub pine, poplar and birch occur in limited quantities.

THE BOUNDARY LINE.

For the purpose of reference Articles III. and IV. of the Convention between Great Britain and Russia, signed at St. Petersburg, February 28 (16 O.S.), 1825, are here inserted:—

III. The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of America to the north-west, shall be drawn in the manner following:—

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude, from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian), and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west.

IV. With reference to the line of demarcation laid down in the preceding Article, it is understood:

1st. That the island called Prince of Wales Island shall belong wholly to Russia.

2nd. That wherever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

Let us analyze the above.

"The southernmost point of the island called Prince of Wales Island."

Admitting in the mean-time what island Prince of Wales Island is, there can be no question what the "southernmost point" is, for there can only be one southernmost point, hence this is an indisputable point, although it might require extended surveys to determine its location.

"Which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133rd degree of west longitude."

There are apparently two designations for one and the same point. The first designation or location of the point is a physical feature, irrespective of its exact geographical position, the second one relegates the point to geographical co-ordinates, without however defining the absolute position of the point of commencement of the line of demarcation.

In order to define the point by geographical co-ordinates it must be referred to the intersection of two lines, not merely state that the point "lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st degree and 133rd degree of west longitude", leaving an uncertainty of two degrees of longitude, equivalent to about 75 miles, of its position. Hence, undoubtedly, the second designation is and could only be intended as explanatory of the first, to assist in identifying the vicinity in which the southernmost point of Prince of Wales Island is situated, and thereby excluding any doubt, too, what island the high contracting parties considered as Prince of Wales Island.

The position in longitude of the point of commencement as being "between the 131st and 133rd degree" conclusively shows that the island in question is what is now known as Prince of Wales Island, and to assume for a moment that Wales Island, as known on the charts now, was meant, is untenable, as it is distant about 60 miles eastward from Prince of Wales Island, and falls outside of the limits "between the 131st

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and 133rd degree," whereas the southern extremity of Prince of Wales Island falls very nearly in longitude 132 degrees, the mean of the limits "between the 131st and 133rd degree" of the Convention.

It may be remarked that latitude determinations could always be more accurately obtained than those for longitude, even at the present time, although the disparity in accuracy, between latitude and longitude observations, in Vancouver's time was greater than now.

However, the charts that existed at the time of the Convention, bearing upon the geography in question, were certainly sufficiently accurate to distinguish between two points $1\frac{1}{2}$ degrees apart in longitude, as the southern extremities of Prince of Wales Island and Wales Island are.

That Prince of Wales Island, as now recognized, is the one of the Convention and not Wales Island is obvious from the negotiations. Speaking of Prince of Wales Island, Petroff, in his official report on Alaska to the United States Census Office, says page 84: "Strange to say, this large island, which has been known to the maritime nations of the globe for over a hundred years, still remains unsurveyed and has been variously named an island and an archipelago, and accounts of natives report numerous navigable passages cutting through it here and there."

While the Alaskan matter was under discussion between Great Britain and Russia, the Russian Plenipotentiaries submitted in 1824 a *contre-projet* (to the one of Sir Charles Bagot) with reference to the southern limit of Russian possessions, in which the following passage occurs: "Comme la parallèle du 55me degré coupe l'île du Prince de Galles dans son extrémité méridionale * * * * *" from the then known geographical position, especially in latitude, of Prince of Wales Island and the island now known as Wales Island, it was evident that the 55th parallel of latitude could not cut Wales Island, lying many miles to the south of that parallel, while Prince of Wales Island, as now known, is cut by that parallel. Other references in the negotiations to "l'île du Prince de Galles" make it obvious that Prince of Wales Island, whose southernmost point approximately "lies in the parallel of 54 degrees 40 minutes north latitude," was referred to and never Wales Island, the creation of which latter name is of a date subsequent to the Convention.

Attention is drawn to the map in P. C. P. opposite to page 49, on which is shown "Boundary line between Alaska and British Columbia," as following the parallel of 54 degrees 40 minutes north latitude from the meridian of 132 degrees 30 minutes to that of 130 degrees 30 minutes west longitude, and from the latter meridian deflects into what is termed on that map, Portland Inlet, being the entrance to Observatory Inlet as designated by Vancouver.

It is not plain on what authority the boundary line is laid down as beginning on the parallel of 54 degrees 40 minutes north latitude at its intersection with the meridian of 132 degrees 30 minutes west longitude, and thence east on that parallel to the meridian of 130 degrees 30 minutes.

The perpetuation of inaccuracies may in time create a belief in the accuracy of the inaccuracy, and a non-refutation of the inaccuracy help to establish such belief.

"The said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude."

We have herein given two physical features and one geographical line as determining and limiting references for a part of the boundary line.

The physical features are "the southernmost point of the island called Prince of Wales Island," and "Portland Channel," the geographical line being "the 56th degree of north latitude."

That these physical features were sufficiently well known to the two high contracting parties is evident from the fact that charts then existed, and were referred to by the plenipotentiaries, showing these features. In fact, the latest charts of the most recent surveys, show no essential difference between those referred to, as delineated three quarters of a century ago, and now. Hence, as far as the point of commencement "the southernmost point of the island called Prince of Wales Island" and "Portland Channel" are concerned, there was practically as much known in 1824 as now with additional surveys, and hence the terms of the Convention regarding this part could not be lacking in definiteness from ignorance of the physical features or the geographical position of the same.

"The said line shall ascend to the north along the channel called Portland Channel." Some commentators have adversely criticised "shall ascend to the north," basing their conclusions on the geographical position of the point of commencement and that of Portland Channel, which has its entrance in nearly the same latitude as the point of commencement, but over a degree to the east thereof.

The first part of the whole boundary line may be said to extend from the southernmost point of Prince of Wales Island to a certain point on the 56th degree of north latitude.

We see therefore that the objective point in this part of the line is at the 56th degree of north latitude, and as the point of commencement is approximately in latitude 54 degrees 40 minutes, it necessarily follows that no matter how many courses and directions the first line may have, it must "ascend to the north."

Now, as there are various courses or directions by which it may ascend to the north, the Convention specifies and makes definite that "the said line shall ascend to the north along the channel called Portland Channel." It may be mentioned that another channel—Duke of Clarence Channel—was under discussion by the negotiators, and through which the boundary line was to "ascend to the north" from the same point of commencement, the southernmost point of Prince of Wales Island. It would be absurd to assume that the negotiators imagined, with the geographical information before them, the line to run north from the southernmost point of Prince of Wales Island to the entrance of Portland Channel. As a matter of fact, the entrance to Portland Channel is north of the point of commencement, although the general direction between the two is east and west.

"Along the channel called Portland Channel." In the negotiations between the plenipotentiaries we find in the correspondence "*de là par le milieu de ce canal*" (Portland). This furnishes an interpretation of the word "along," being equivalent to "through the middle of."

By international interpretation "middle channel" means "deepest channel," i.e., "middle" is dependent upon depth of water and not upon the configuration of the sides or shores bounding the waters. This is the natural interpretation too, as in water boundaries navigation is the principal consideration.

As to the name Portland Channel or Portland Canal, both names appear in editions of "*Vancouver's Voyages*" for one and the same arm of the sea.

Negotiations regarding the boundary line between the British and Russian possessions on the north-west coast of America, culminated in the Convention of February 28 (16 O.S.), 1825, hence any geographical name occurring in such convention must have originated prior to that date.

It is an undisputed matter of history that Vancouver in his voyages of discovery gave the name Portland Channel (Portland Canal) to a certain inlet, the entrance to which was eastward of the southern extremity of Prince of Wales Island.

As there are two arms or inlets with entrances eastward of the southern extremity of Prince of Wales Island, it may be necessary to show clearly what was and could only have been understood to be Portland Channel by the negotiators of 1825, in view of the fact that the United States Government maintains an interpretation inconsistent with the data.

The names Portland Channel and Observatory Inlet as given by Vancouver were never questioned by any navigator or geographer up to 1825, the time of the convention, as designating those features to which Vancouver applied the above names. Nor did any cartographer, British or Russian, prior to the Convention, apply those names in any other sense than the one as originally given by Vancouver. Whatever signification may have been given or has been given to the terms Portland Channel and Observatory Inlet subsequent to the Convention can have no bearing on the question, as establishing the meaning of these two terms at the time of the Convention. The record of Vancouver's voyages makes it most clear what arm he called Portland Channel and what arm Observatory Inlet.

To quote from Vol. IV., 8vo. edition, 1801 :

"Sunday, July 21st, 1793. By sunset we entered the arm up which we expected to find this extensive inland navigation. To the south-east point of entrance I gave the name of Point Maskelyne, after the Astronomer Royal. It is situated in latitude 54 degrees 42½ minutes and longitude 229 degrees 45 minutes * * * *." Vancouver then proceeded north-easterly up this arm "until we arrived abreast of an opening about two miles wide at its entrance on the western shore, seemingly divided into two or three branches, taking a direction about N. 18 degrees W. The observed latitude at this time was 54 degrees 58 minutes, longitude 230 degrees 3 minutes." This was on July 22nd, 1793.

He continued in a north-easterly course, reaching, on July 25th, the head of the inlet "where as usual it was terminated by low swampy ground, and in latitude 55 degrees 32 minutes, longitude 230 degrees 16 minutes."

Returning "Saturday, the 27th, we set out with fair weather, and having a rapid tide in our favour soon reached the east point of entrance into the N. N. W. branch, which, after Mr. Ramsden, the optician, I called Point Ramsden, lying in latitude 54 degrees 59 minutes, longitude 230 degrees 2½ minutes. * * * *". From hence we directed our course N. W. three miles to a low point on the larboard shore, where we found this arm to communicate with another leading in a S. W. and N. N. E. direction, and being in general about half a league in width. After breakfast we pursued the latter direction and steered for the eastern or continental shore." It is important to observe in the above, Vancouver's words, "where we found this arm to

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communicate with another leading in a S. W. and N. N. E. direction," clearly showing that as soon as he saw the waters which extended N. N. E. and S. W. (from his point of observation), did he consider them to be one and the same arm, to which he afterwards, as we shall see, gave the name Portland Channel (Portland Canal).

Vancouver pursued northward until, on Monday, July 29th, the inlet "was found to terminate in low marshy land, in latitude 55 degrees 45 minutes, longitude 230 degrees 6 minutes.

On the next day he was on his way back, following the western or continental shore-line until, on August 2nd "we set out early and passed through a labyrinth of small islets and rocks along the continental shore, this, taking now a winding course to the south-west and west, showed the south-eastern side of the channel to be much broken, through which was a passage leading S.S.E. towards the ocean. We passed this in the hope of finding a more northern and westerly communication, in which we were not disappointed, as the channel we were then pursuing was soon found to communicate also with the sea, making the land to the south of us one or more islands. From the north-west point of this land, situated in latitude 54 degrees 45½ minutes, longitude 229 degrees 28 minutes, the Pacific was evidently seen between N. 88 W. and S. 81 W. Off the point at a little distance from the mainland, was an island about half-a-mile from us, the opposite or continental shore lying north-east, not quite half-a-mile distant. Between this and the westernmost land in sight the shores appeared to be much divided, with small rocky islets and breakwaters in most directions * * *. The outermost lies nearly south-east about two miles and a half from the point seen the former morning, and stated to be the north point of the passage leading towards the ocean."

The above is a definite description of that arm of the sea explored by Vancouver from July 27th to August 2nd, 1793.

After further explorations he says "in the forenoon" (Aug. 15th) "we reached that arm of the sea, whose examination had occupied our time from the 27th of the preceding to the 2nd of this month. The distance from its entrance to its source is about 70 miles, which, in honour of the noble family of Bentinck, I named Portland Channel."

Here we have in unmistakable terms what Portland Channel is. The western shore of Portland Channel is the continental shore-line throughout.

The P. C. P. says "Point Wales forms the western headland of Portland Canal or Channel, whose opposite headland is formed by Point Maskelyne." It was named by Vancouver, who says, "the distance from its entrance to its source is about 70 miles, which in honour of the noble family of Bentinck I named Portland Canal." This last quotation is undoubtedly misapplied in the Pacific Coast Pilot. For, when we take the whole quotation as already given, we find that "its" entrance refers to "that arm of the sea whose examination had occupied our time from the 27th of the preceding to the 2nd of this month," (August).

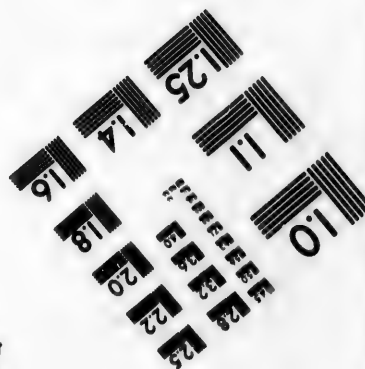
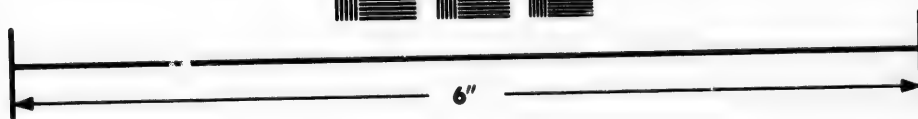
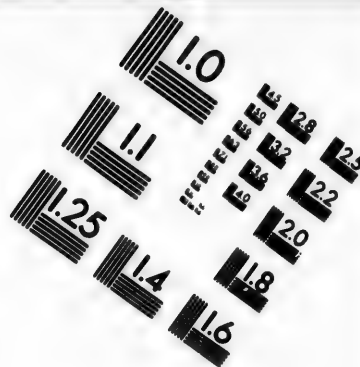
Vancouver was neither at Point Wales nor at Point Maskelyne, nor in the waters between them during this time, so that it is obviously incorrect to apply the quotation from Vancouver, regarding Portland Channel, for making the entrance of Portland Channel between Point of Wales and Point Maskelyne.

It has been shown that the entrance of Portland Channel is not between Point Wales and Point Maskelyne, and now to remove the slightest trace of indefiniteness as to the entrance to Observatory Inlet we again quote Vancouver. "The west point of Observatory Inlet I distinguish by calling it Point Wales, after my much esteemed friend Mr. Wales, of Christ's Hospital, to whose kind instruction in the early part of my life I am indebted for that information which has enabled me to traverse and delineate these lonely regions."

Attention is drawn to the dates when Vancouver bestowed the names "Portland Channel" and "Observatory Inlet" upon certain arms or inlets. His journey through these waters began on July 21st and ended on August 2nd following. On August 15th he gives and records the name Portland Channel and on August 16th the name "Observatory Inlet." From this it is seen that he had the topography of the two arms before him from his own surveys, before he assigned the names, and as each arm had a distinct entrance to the sea Vancouver named the two arms as already stated.

In the P.C.P., p. 58, will be found the following: "Northward from Wales Island lies a long island separated from the main shore by a branch trending in a nearly north direction, and continuous with the upper main branch of the inlet, or Portland Channel." This statement of continuity of the upper part of the arm of the sea with the lower part is a confirmation of Vancouver's judgment in assigning the name Portland Channel as he did.

On p. 60, P.C.P., we find "when approaching Point Ramsden, Vancouver was in doubt as to which of the two arms was the main branch of the inlet, but after his explorations it became evident that the western prolongation of the inlet is entitled to that precedence, both on account of its greater freedom from obstructions and from



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its length. To this portion only is now generally applied the name of Portland Canal." What is now generally understood by Portland Canal is of no matter as far as the interpretation of the Convention of 1825 is concerned. Be it furthermore pointed out that, when Vancouver was in doubt as to the main branch of the inlet, he was not aware that there were two arms of the sea extending inland, he only knew of the one whose entrance was between Point Wales and Point Maskelyne. His further explorations dispelled the idea of branches, when he found that the westernmost branch continued south-westward, to the sea itself, and had its own entrance. To assume, as is contended by the United States, that Vancouver designated as Portland Channel what is now shown on the U. S. Coast and Geodetic Survey maps as Portland Inlet and Portland Canal would leave that part of Portland Canal south of the waters connecting Portland Canal and Observatory Inlet, which he had explored, without a name, in itself a most improbable circumstance. That Vancouver should navigate such an arm seawards, and, after having located its entrance to the sea, besides other topographical and geographical positions, leave it without a name is most unlikely. However, we have positive proof, that he did name it, as already given in his own words.

As the geographical position of the entrance to Portland Channel has not been clearly defined, and as the line of demarcation is to commence at the southernmost point of the island called Prince of Wales Island, thence shall ascend to the north along the channel called Portland Channel, the course between the said southernmost point and the entrance to Portland Channel is necessarily an arc of a great circle, or what is commonly called a straight or direct line. In descriptions of territorial limits, the line joining any two consecutive fixed points is always, unless otherwise expressly stated, the direct line, i.e., an arc of a great circle. It may be mentioned that in all surveying operations only arcs of great circles can be directly laid down, as a great circle lies in a vertical plane, the plane in which the telescope of an adjusted transit or theodolite moves.

A parallel of latitude cannot connect the southernmost point of Prince of Wales Island and the entrance to Portland Canal, as they are not on the same parallel.

To continue with the boundary line "as far as the point of the continent where it strikes the 56th degree of north latitude."

The position of the boundary line has now been discussed and brought up to the head of Portland Channel.

The data given for determining the position of the boundary line beyond the head of Portland Channel are, the terminus of the line at the head of Portland Channel, the parallel of 56 degrees north latitude, and that the northerly terminus of that part of the boundary line now under discussion, is on the continent (more unequivocally expressed by the words of the Convention "la terre ferme.")

That the negotiators could not have believed Portland Channel to extend to the parallel of 56 degrees is evident from Vancouver's observations which placed the head of the channel or canal in latitude 55 degrees 45 minutes, and shown thus on his charts, and as Mr. Bayard, Secretary of State for the United States, in 1885, states in a letter under date November 20th, 1885, to Mr. Phelps, the United States Minister to England, it "may be assumed with confidence that the charts employed in the negotiations were those of Vancouver."

Furthermore, had such a belief obtained, then the words "de la terre ferme" would not only have been superfluous, but would have introduced an impossibility, for the terminus of that part of the boundary line cannot be in Portland Channel and at the same time on "la terre ferme."

There is, however, some vagueness in the wording of this part of the Convention, that is in what direction the line shall ascend from the head of Portland Channel to the parallel of 56 degrees north latitude.

The whole line of demarcation as laid down in the Convention is divided into three divisions:—

First. From the southernmost point of Prince of Wales Island to the 56th degree of north latitude.

Second. From this last mentioned point, along the summit of the mountains situated parallel to the coast, to the 141st meridian.

Third. Along the 141st meridian to the Frozen Ocean.

In the original text the descriptions of these parts are respectively separated by a semi-colon, showing that each part is in so far complete in itself, that it is independent of that which succeeds the semi-colon.

"Jusqu'au point de la terre ferme où elle atteint le 56me degré de latitude nord."

"Jusqu'au point," "as far as the point," not a point, but the point, a definite point, on the continent, where the continent attains the 56th degree of north latitude.

The continent attains the 56th degree of north latitude on a line, an infinite number of points, but which of those latter points is to be the point is not stated nor defined in the description of the line of demarcation of this part marked—First—above.

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By induction, however, the point on the 56th degree of north latitude can be obtained. In the description of the second part marked—Second—above, of the line of demarcation, the boundary line follows the summit of the mountains, situated parallel to the coast, as far as the 141st meridian. Granting for the present, the existence of the mountains, the line following the summit thereof must cross the 56th degree of north latitude somewhere. If this crossing or intersection is distant more than ten marine leagues from the ocean, the summit at the point of intersection will be more than ten marine leagues from the shore, in which event, the second paragraph of Article IV provides that the international limit shall then be at a distance of not more than ten marine leagues from the coast, so that the point of intersection will be not more than ten marine leagues from the coast and on the 56th degree of north latitude. Now, as the terminus of the boundary line beyond the head of Portland Channel must be on the 56th degree of north latitude, and the beginning of the next part of the boundary line must necessarily begin from that point where the preceding part of the boundary line terminates, and furthermore, be at the intersection of the line of the summit of the mountains situated parallel to the coast with the 56th degree of north latitude, or at that point on the 56th degree which is distant ten marine leagues from the coast, it is seen that only one point fulfils the conditions imposed by parts First and Second (being the terminus and beginning respectively of these parts) of the boundary line, and without being at variance with any other part of the description. Hence, the direction of the line from the head of Portland Channel to the parallel of 56 degrees north latitude is dependent upon the position of the line of the summit of the mountains situated parallel to the coast primarily, secondarily, upon the line parallel to the windings of the coast, in case the summit of the mountains situated parallel to the coast shall prove to be at a greater distance than ten marine leagues from the coast.

For the second part of the boundary line, the Convention states "from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude."

Three questions arise in this description.

First. What constitutes "mountains situated parallel to the coast?"

Second. What is the "coast?"

Third. Do mountains exist which are "situated parallel to the coast?"

Mountain is defined by Webster as "A large mass of earth and rock rising above the common level of the earth or adjacent land, an elevation or protuberance of the earth's surface, a high hill, a great eminence, a mount." The same authority gives—coast as "The edge or margin of the land next to the sea, the sea-shore." To what elevation the land must rise above the common level of the earth to constitute a mountain cannot be answered by any definite number of feet, as it depends upon the general topography of the country in question.

In the region under discussion—south-eastern Alaska—when the elevation of land attains an altitude above the timber-line, such elevation of land may then undoubtedly be termed a mountain.

With these premises of mountain and coast, it will be simpler to understand the location of the line of demarcation along the summit of the mountains.

To the question—do mountains exist, which are situated parallel to the coast, references will be made to published official reports and to the personal observations of the writer.

Beginning at Portland Channel, the mountains along and near the coast-line up to 141st meridian will be considered.

We find on the Admiralty chart "Port Simpson to Cross Sound, including the Koloschensk Archipelago," with corrections to 1886, that the head of Portland Channel and its west shore are abutted by mountains, ranging from 2,000 to 6,000 ft. in height, and which are within ten miles from the shore.

On the west side of the peninsula lying between Portland Channel and Behn Canal, the P.C.P., p. 73, says "the surrounding country" (around Smeaton Bay) "consists of steep, barren rocky mountains, whose summits appear to be above the snow-line. Except at its head where the land is low, these mountains rise abruptly from the water's edge, sparsely wooded with small trees."

The same authority, p. 73, states that Rudyerd Bay "penetrates to the north and east, between high, barren, snowy mountains." The mountains on the continental shore at the northern entrance to Behn Canal, and surrounding the Cleveland Peninsula are in general not so high as those on the continental shore already described. The highest given on the Admiralty chart being 3,345 feet, situated about opposite to Ship Island.

From here, northward, little has been recorded of the mountains adjoining the mainland coast, until the mouth of the Stikine is reached, for which the chart oppo-

site to p. 100, P.C.P., records the mountains near the mouth of the Stikine as rising from 2,000 to 3,700 feet.

However, it is known that mountains border the sea coast (mainland) along Ernest Sound and to Point Rothsay.

Quoting from P.C.P., p. 109, "Passing from Wrangell Anchorage in a S.W. direction the tangent of Kadin Island, N. and half E. cuts the centre of the canon of the coast mountains on the mainland through which the Stikine river reaches the sea." Under heading of Stikine river the last authority states, p. 117: "About 5 miles above the Delta Islands the valley narrows and the river appears only two or three hundred feet in width * * *. The appearance of the high land on either side is as if ranges trending N.W. and S.E. were abutting obliquely upon the river," that is parallel to the coast.

From the Stikine northward the coast-line adjoins Souchoi Strait. "The continental shore of this strait is very imperfectly known." P.C.P., p. 112.

To the north of the entrance of this strait "lies a low wooded point, which was named Point Agassiz on account of its association with the remarkable and sublime glaciers in its immediate vicinity. These creep from the snowy summits of ravines on the coast range towards the water's edge, which at certain seasons they overhang * * *. A short distance northward from Point Agassiz is a magnificent glacier, with three feeders in the coast mountains, which discharges its burden of ice directly into the water * * *. In this vicinity (Horn Cliffs) in certain places, at least, according to Vancouver, there is a small extent of low flat land, well wooded, lying before the coast mountains, which rise abruptly to an extraordinary height." P.C.P., p. 127.

Following the continental shore line northward from Cape Foulshaw, of the first large bay encountered Vancouver observes, "it is bounded by lofty mountains, and from their base extends a small border of low land forming the shores of the harbour, which I called Port Houghton." P.C.P., p. 128.

Continuing northward from Port Houghton, mountains adjoin the sea shore, and at Holkham Bay, Vancouver "describes the bay as bounded by lofty mountains," P.C.P., p. 168.

Point Coke is at the northern entrance to Holkham Bay, and "the land between Point Coke and the present promontory (Point Amner) is backed by lofty and rather bare mountains, their sides scarred by avalanches and displaying about three miles E.S.E. from Point Amner, a remarkable cascade, which falls from a ravine into the sea." P.C.P., p. 168.

Mountains follow the continental shore-line northward from Holkham Bay around Port Snettisham.

Of Stockade Point and Grave Point, the entrance to Taku Harbour, the P.C.P., p. 169, says, "both are wooded, comparatively low points from which high land rises rapidly to peaked, often snow-capped mountains."

Vancouver thus describes Taku Inlet: "From its entrance it extended N. 11 degrees E. (true) about 13 miles, where the shores spread to the east and west and formed a basin about a league broad, and two leagues across, in a N.W. and S.E. (true) direction, with a small island lying nearly at its north-east extremity. From the shores of this basin (August, 1794) a compact body of ice extended some distance nearly all around, and the adjacent region was composed of a close connected continuation of the lofty range of frozen mountains, whose sides, almost perpendicular, were formed entirely of rock, excepting close to the water side, where a few scattered dwarf pine trees found sufficient soil to vegetate in; above these the mountains were wrapped in undissolving frost and snow. From the rugged gullies in their sides were projected immense bodies of ice (glaciers) that reached perpendicularly to the surface of the water in the basin, which admitted of no landing place for the boats, but exhibited as dreary and inhospitable an aspect as the imagination can possibly suggest. P.C.P., p. 170. The mountains along the east shore are described as "a continuation of the same range of lofty mountains rising abruptly from the water's edge." P.C.P., p. 170.

Immediately behind Juneau on Gastineau Channel mountains rise above the timber line.

"Westward from the town is a deep ravine in the mountains, through which runs Cold Creek." P.C.P., p. 172.

Of Lynn Canal the P.C.P., p. 194, states: "By reason of the fact that the glaciers terminate some distance inland from the shore, resulting from the more gradual slope of the Alps on the south-west and the coast ranges on the north-east shores, this canal is free from floating miniature bergs which, at times, obstruct Cross Sound and Gastineau Channel, although the latter are a degree southward of the head of Lynn Canal."

Lynn Canal is undoubtedly surrounded by mountains contiguous to the shore.

In describing Berner's Bay, the P.C.P., p. 195, observes that "a stream comes in at the head of the bay, the N.W. point of entrance, named by Vancouver. Point St. Mary's, lies N.W. three-quarters N., four and a half miles from Point Bridget, like

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which it is low and wooded, while its axis rises inland to mountains covered with snow, attaining a considerable height, and constituting a part of the coast ranges which have been repeatedly alluded to. From this point about five miles N.W. by W. lies Point Sherman, named by Meade, apparently low and wooded, from which the north-eastern shore of Lynn Canal extends high, steep, and rocky, at the base of the imposing mountains above mentioned * * *

On the page last quoted is given a description of the western shore of Lynn Canal as follows: "Behind the shore the land rises in lofty snow-capped mountains forming part of the coast ranges." Quoting the same authority, p. 196: "On the eastern shore, extending from the head of the canal southward to Point St. Mary's, is a high rugged chain of precipitous mountains, named the Chilkat Mountains by the U.S. Coast Survey in 1879. Those of the opposite shore have been called by the U.S. Navy the White Mountains."

In describing Chilkoot Inlet the P.C.P., p. 199, states: "The opposite" (continental) "shore is composed of lofty steep mountains, forming the Chilkat Range, with several glaciers in their gorges and one at the head of a moderately long narrow valley."

"The mountains culminate at the north-west in Mount Villard, 3,700 feet high by barometric measurement."

Between the head of Lynn Canal and the broad waters of the Pacific Ocean and immediately north of Glacier Bay lie immense ice-fields covering an area of upwards of 2,000 square miles.

These ice fields are drained by numerous glaciers into the sea.

From Lynn Canal the open sea is reached by Cross Sound.

Its "north-western shores are mostly high, formed by the slopes of the great snowy range of the St. Elias Alps." P.C.P., p. 186. The western entrance of this sound lies between Point Bingham, on Yakobi Island, and Cape Spencer on the mainland.

Northward from Cape Spencer to Icy Point, the continental shore-line trends north-westerly.

"Immediately behind the coast-line up to this point is the southern portion of the range of the St. Elias Alps, which extends westward nearly to the Copper or Atna river, and include the highest uplifts yet known on the North American continent. The sides of these Alps bear numerous glaciers, some of great extent, and a few reaching to the sea-beach, itself." P.C.P., p. 201.

From outside the entrance of Lituya Bay, looking north, one sees the "magnificent sierra-wall of Alps which culminates elsewhere in the peaks of Crillon and Lituya. Down its precipitous slope five or six glaciers fall in true ice cascades to the water's edge." P.C.P., p. 203.

In 1874 Prof. W. H. Dall, of the U.S. Coast and Geodetic Survey, triangulated pts. St. Elias, Cook, Vancouver, Fairweather, Crillon, all of the St. Elias Alps, and determined their height. In the U.S. Coast Survey report for 1875 the result of his labours is given, accompanied by a map, from which it will be seen that the summits of these mountains are all less than 30 miles from the sea coast, the last two less than 15 miles.

"Northward from Fairweather to Yakutat Bay there are no remarkable peaks, the range averaging five to eight thousand feet, with nearly uniform summits and rugged surface." P.C.P., p. 205.

Between these two points along the shore lies the Tianna Roads. "This strip of shore is thickly wooded near the sea, with more open spaces inland. The Alps which bound it to the north at a distance of 7 to 10 miles from the sea carry numerous glaciers." P.C.P., p. 206.

In Yakutat Bay, steep mountains covered with snow rise directly from the water.

"From Port Mulgrave and thence to the westward, the most conspicuous spectacle in clear weather is that part of the uplift of the St. Elias Alps which extends in a westerly direction from a point inland some 18 miles N.N.W. from Disenchantment Bay. This forms a broken range ten or twelve thousand feet in height, with its sides and many of its peaks covered with eternal snow. It terminates westward in the magnificent peak of St. Elias." P.C.P., p. 211.

In fair weather this grand peak is visible at a distance of more than 150 miles.

The interior of Alaska, as little as it is known, is very probably aptly described as "a sea of mountains." The moment the mountains situated parallel to the coast and adjoining the same are crossed, there is no well-defined continuous range, it is a sea of mountains, but, rising from the coast everywhere, we have a wall of mountains, save some low lands at the foot of the Mt. St. Elias Alps.

From the foregoing evidence it is obvious that mountains do exist, "situated parallel to the coast," and hence, the line of demarcation can "follow the summit of the mountains situated parallel to the coast," as stipulated by the Convention, and furthermore, it is improbable from the facts already known, that there will be any occa-

sion at any part of the line of demarcation to have recourse to the second paragraph of Article IV of the Convention, which provides for the case where the summit of the mountains is at a distance of more than ten marine leagues from the ocean.

In short, the summit of the mountains situated parallel to the coast is not more than ten marine leagues from the shore.

The last part of the boundary line, the 141st meridian, is a matter of astronomic observation, and needs here no further elucidation.

DISCUSSION OF MOUNTAIN BOUNDARY.

Regarding the mountain boundary the negotiators of the Convention were fully aware of the lack of definite information regarding the topography of that part of the continent under discussion. This is patent from the correspondence between them, and finally by the insertion of the second paragraph in Article IV of the Convention.

On December 8th, 1824, the Rt. Hon. G. Canning, Secretary of State for Foreign Affairs, wrote to Sir Stratford Canning, British Plenipotentiary at St. Petersburg, "should the maps be no more accurate as to the western than as to the eastern" (eastern side of continent) "mountains, we might be assigning to Russia immense tracts of inland territory, where we only intended to give and they only intended to ask a strip of sea coast."

And well was this strip defined, as is now evident, by having made the line of demarcation follow "the summit of the mountains situated parallel to the coast."

It is questionable if at the present time, with the accumulation of knowledge of 75 years, the description of the mountain boundary line could be couched in better words, and at the same time retain and give the idea which was to be conveyed, a strip along the sea coast.

The summit of the mountains is a natural boundary, a visible one, where nature has set the principal monuments.

That the charts of Vancouver were the principal guide for the negotiators for ascertaining the geographical, but not topographical, characteristics is undoubted.

Vancouver's prime object in surveying was the delineation of the shore line, the mountains shown on his charts were merely graphical representations of the mountainous nature of the country, without attempting to localize them individually.

This method is familiar to everyone who has been engaged in exploratory surveys.

In the United States Coast Survey Report, 1886, p. 155, Prof. G. Davidson, in speaking of the early voyages of discovery and exploration on the N.W. coast of America, from 1539 to 1603, says, "The minuteness of record in Cook and Vancouver, of comparatively recent date, has enabled me to follow their tracks day by day, to correct their positions by personal knowledge of the localities described, whilst giving these great men the fullest credit for surveys unparalleled before or since (when all the attendant circumstances are considered), I cannot withhold my admiration for the indomitable courage and perseverance of the old Spanish navigators * * *."

Under the heading "The Coast and Inland Waters of the Alexander Archipelago," the P.C.P., p. 49, says: "The incomparable Vancouver is still the chief and most trustworthy authority * * *."

The alternative boundary line of the second paragraph of Article IV. is, from a surveying point, utterly and entirely impracticable. As an illustration of the difficulties arising by referring one boundary line, as dependent upon another not straight, may be cited the Railway Belt in British Columbia, and this is a comparatively very simple case compared with the difficulties involved in the paragraph cited.

By the Imperial Order in Council of the 16th of May, 1871, British Columbia conveys in trust to the Dominion " * * * not to exceed 30 miles on each side of said line," (railway line). "Twenty miles on each side of said line" is a simple and unequivocal description of the Railway Belt.

Its demarcation on the ground, however, irrespective of mountains, is by no means so simple.

The computation alone for this belt, to determine its limits with reference to section lines, would occupy about a year, the time for delimitation on the ground is as yet an unknown quantity, even approximately.

With the difficulties of the Railway Belt the chief officers of the Technical Branch of the Department of the Interior are severely familiar.

Knowing the mathematical intricacies involved by so apparently simple a case, dependent upon the gentle swaying of a railway line through the country, what degree those intricacies would be heightened, where an irregular and labyrinthine coast line is to be dealt with, may in a degree be imagined.

In the report of Alaska, by Ivan Petroff, issued by the Census Office, Washington, 1884, is found the following, p. 81: "A survey with a view of locating the boundary in accordance with the obtuse wording of the treaty would be altogether too costly,

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but a straight line between certain easily defined points, agreed upon by mutual consent, would solve a difficulty which promises to arise in the near future, owing to the discovery of valuable mineral deposits on the very ground placed in dispute or doubt by the old treaty. It may be stated here that a line from the point above mentioned, on the 56th parallel, to the intersection of the 65th parallel with the 141st meridian, would nearly follow the present line in south-eastern Alaska, while it would give to the United States one of the head branches of the Yukon River, the main artery of trade of the continental portion of Alaska, which is now crossed by the boundaries at a point considerably below the head of steam navigation."

To absorb several thousand square miles of Canadian territory is a gratuitous suggestion of the Special Census agent in his official report.

To substitute a geodetic line or lines for the mountain boundary, would make it very simple to plot the boundary line on maps accurately without any survey, but such a boundary line could only be identified on the ground by a survey.

In a mountainous country like Alaska, such a survey would require far more monuments to be placed along the line, than in the case of a mountain boundary where nature has planted the principal ones, requiring only to be recognized as such.

In the former case the boundary line would be a straight line, practically impossible to define on the ground on account "of the sea of mountains."

As a straight line cannot be run up and down mountains, through canons and over peaks, it would be necessary to determine most accurately certain numerous points in longitude and latitude along the coast, for the purpose of carrying surveys inland from them along some valley, and thereby determine a point or points on the boundary line.

The conditions which obtain in the one case are almost the inverse of the other. With a geodetic boundary nothing is given in the field, except possibly the termini, if physical features, with the mountain boundary the principal data are given in the field requiring only to be recognized as such by the respective Governments.

In the first case the boundary line is wholly dependent upon the accuracy of astronomical observations and surveys, in the latter case such observations are of secondary importance, being used principally for mapping purposes, and their accuracy does not affect the position of the boundary line.

Even from this short description and comparison of the two boundary lines—a geodetic and a mountain line—it must be apparent that the cost for surveying the former or geodetic line would be much greater than that of the latter, which itself will assume no small proportions.

The insertion of the first paragraph of Article IV. was necessary in order that Prince of Wales Island belong wholly to Russia, which would not necessarily have followed by the boundary line running from the southernmost point of Prince of Wales Island north along Portland Channel.

This precaution for inserting that paragraph appears natural, as the latitude of the two governing points, as known to the negotiators, showed that the boundary line might cut a part of Prince of Wales Island, whose coast line was then not accurately surveyed. This paragraph negatives most conclusively also the supposition that the boundary line was to follow a parallel of latitude after leaving the southernmost point of Prince of Wales Island. For, if the line of demarcation commences at the southernmost point of Prince of Wales Island, and then continues on a parallel of latitude, it is utterly impossible to cut Prince of Wales Island, (for this would be equivalent to saying, that there was some other point on Prince of Wales Island farther south than the southernmost point—which of course is absurd—), and there can be no occasion for making a proviso "that the island called Prince of Wales Island shall belong wholly to Russia."

As the latitude of the entrance to Portland Channel was supposed to be (as it is, too) greater than that of the southernmost point of Prince of Wales Island it was proper, if Prince of Wales Island was to belong wholly to Russia, to introduce the paragraph in question.

On "the map of Alaska and adjoining territory, 1887," issued by the U.S. Coast and Geodetic Survey, and accompanying this report, will be found a fair representation of the mountains in south-eastern Alaska, "situated parallel to the coast," the summit of which constitutes the boundary line between the 56th degree of north latitude and the 141st degree of west longitude.

There are as yet no industries in the interior of south-eastern Alaska, save hoarding Juneau, in the Silver Bow Basin; there some placer mining is being done, and where are also two small stamp mills working on a gold ledge of free-milling ore.

At Sheep Creek, three miles below Juneau, silver ledges, containing galena and a sulphuret of silver, are being worked. The ore is shipped to San Francisco for treatment.

The mining being done here on the mainland is carried on by men of small capital, with a single exception, and hence lacks development, and the results obtained are indifferent.

A long tunnel to cost \$150,000, is being run in the Basin for doing some hydraulic mining on a bank 85 feet high.

The farthest northern industry on the south-eastern coast is the salmon canneries at the head of Lynn Canal, about opposite Pyramid Island, two being on the eastern shore, and one on the western one.

So that there is as yet no industry carried on between the line of the "summit of the mountains, situated parallel to the coast," and the line distant "ten marine leagues from the coast," and hence, at present, no trouble can arise between the interested Governments caused by private ownership of mineral locations between these two lines.

There is no doubt that the want of full territorial Government for Alaska, and the withholding of the general U.S. Land Act has up to the present retarded the development of south-eastern Alaska, which fact has been conducive to the prevention of questions of international territorial jurisdiction.

It is well known that the head waters of the Yukon river lie in Canadian territory, and that the prospecting for gold and placer mining is done mostly on that part of the Yukon lying within Canada, and furthermore, that all the supplies used by the prospectors and miners there come from the United States, mostly by steamer up the Yukon, and without paying duty.

Similarly for the goods going into Canada by way of Chilkoot, the usual route taken by prospectors.

From information obtained from a prospector lately from the Yukon, there would appear to be not more than 300 miners on the upper part of that river, from which number an approximate idea of the consumption of dutiable goods can be made.

This, of course, does not take into consideration the goods introduced for barter with the interior Indians.

The loss of the duty, at present, is perhaps, the less objectionable feature of the condition of affairs, the greater and unavoidable one is, that the gold is carried out of Canada by Americans and spent in the United States, without Canada deriving any benefit from its mineral resources on the Yukon.

Canadians are practically debarred from access to the Yukon through their own country, save by a long and circuitous route from the east.

In the November number of the *Forum* appeared an article on "American Rights in Behring Sea" by President J. B. Angell, U.S. Minister to China in 1880, and one of the late International Fishery Commission during President Cleveland's administration. The above article coming from such source warrants consideration and criticism.

After disposing of the Behring Sea question the writer briefly discusses the question of determining the boundary between Alaska and British America.

Quoting from the article: "The principal difficulties which have been suggested in determining and marking the boundary are the following: Some of the Canadians have maintained (I am not aware that the British Government has taken such a position) that our maps do not correctly indicate the initial point of the line at Portland Channel. Their contention is probably without good ground." The wording "that our maps do not correctly indicate the initial point of the line at Portland Channel" appears somewhat obtuse. From one interpretation of this sentence may be inferred that the initial point of the line of demarcation is at Portland Channel. This interpretation is evidently inadmissible from the wording of the treaty.

The other construction and the one probably meant is, that the initial point of that part of the line of demarcation which ascends along Portland Channel is not correctly indicated on the U.S. maps. By this it would appear as if Canadians accepted Portland Channel as shown on the U.S. maps but maintained "that our maps do not correctly indicate the initial point of the line at Portland Channel."

This is not the Canadian contention at all. The Canadian contention is, that the U.S. maps show the initial point, of that part of the line of demarcation which ascends along that arm of the sea known at the time of the Anglo-Russian Convention as Portland Channel (or Portland Canal), to be at the entrance of Observatory Inlet. In short, Canada disputes the interpretation given on U.S. maps of Portland Channel of the Convention of 1825.

Continuing: "Again, while the treaty provides that the line" shall follow the summit of the mountains "it is affirmed, and so far as we know with probable truthfulness, that the mountains do not form a range, but are so scattered here and there that it is impracticable to make a line that shall comply with the treaty" It would have been better for a clear understanding to have given the above quotation from the

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Convention to the end of the sentence "shall follow the summit of the mountains situated parallel to the coast."

"That the mountains do not form a range" is introducing an unnecessary argument, especially when the main question "do mountains exist—situated parallel to the coast" is not touched upon at all. It is essential to adhere strictly to the words of the Convention.

The word "range" does not occur in the Convention.

Quoting again from Mr. Angell's article: "Furthermore, suppose it were practicable to run a line on the summit, the coast is so irregular and so indented with bays that it may not be easy to agree on the line from which to lay off the ten marine leagues referred to in the second paragraph of Article IV."

The reasoning and chain of connection in this sentence do not appear very clear. If the line runs "on the summit," the irregularity of the coast line does not affect its position, and there is no occasion to measure ten marine leagues from the coast. If, on the other hand, the conditions are such that the second paragraph of Article IV is to be applied, then the line is to run "parallel to the windings of the coast," this would make the line run across the mountains and not "on the summit."

It is considered worth while to discuss a part of the report of Prof. W. H. Dall, to ex-Secretary of State Mr. E. F. Bayard. That Prof. Dall is probably the best informed man on north-western Alaska is admitted, but this does not establish him as an authority on south-eastern Alaska,—say from Lynn Canal down to Portland Channel.

An examination of the annual reports of the United States Coast Survey, with which Prof. Dall was connected from 1871 to September, 1884, fails to show that he ever did any work on or along the mainland in south-eastern Alaska. His furthest explorations and works south on the mainland, were north of Cross Sound.

His having been engaged for nearly nine years exploring and surveying the territory by no means establishes a knowledge of some particular and limited area under discussion. When it is remembered that Alaska covers something like 500,000 square miles of wilderness, the probability of the foregoing assertion becomes apparent.

Prof. Dall is an eminent scientist, but his authority on south-eastern Alaska cannot be admitted as conclusive.

Prof. Dall says: "We have no good topographical maps of this part of Alaska, but, having been engaged nearly nine years exploring and surveying the territory, I assert, without fear of contradiction, that nothing of the sort" (depicted by Vancouver) "exists. We have, instead, what has been aptly called 'a sea of mountains,' composed of short ranges, with endless ramifications, their general trend being parallel with the general curve of North-Western America, but so far as their local parts are concerned, irregular, broken, and tumultuous to the last degree. In certain places, as from Cape Spencer to Yakutat Bay, we have the nearest approach to such a range, but even here are broad valleys, penetrating an unknown distance, and lateral spurs given off in many directions. These Alps rise conspicuously above their fellows, but to the eastward another peculiarity of the topography is that the hills or summits are nearly uniform in height, without dominating crests and few higher peaks."

"The single continuous range being non-existent, if we attempt to decide on the 'summit' of the mountains we are at once plunged into a sea of uncertainty. Shall we take the ridge of the hill nearest the beaches? This would give us, in many places, a mere strip of territory not more than three miles wide, meandering in every direction. Shall we take the highest summits of the general mass of the coast ranges? Then we must determine the height of many thousands of scattered peaks, after which the question will arise between every pair of equal height and those nearest to them. Shall we skip this way or that, with our zigzag, impossible to survey except at fabulous expense and half a century of labour? These peaks are densely clothed with trees and deep soft moss and thorny underbrush, as impenetrable and luxuriant as the savannahs of Panama. In short, the 'summit of the mountains' is wholly impracticable."

It is rather striking that the professor avoids using the words of the Convention, "the summit of the mountains situated parallel to the coast."

It would have been instructive to learn from him whether or not mountains exist which are "situated parallel to the coast." He says—the single continuous range being non-existent—this introduces a discussion as to what a "range" is and what a "single continuous" range is, words which do not occur in the Convention at all, and hence are not warranted when the definitive words "mountains situated parallel to the coast" are given.

"Shall we take the ridge of the hill nearest the beaches? This would give us in many places a mere strip of territory not more than three miles wide, meandering in every direction."

The extensive quotations from the P.C.P. and from personal observations fail to elicit many "ridges of hills nearest the beaches," but instead the mountains rise abruptly from the water's edge. The manner in which Prof. Dall states, "this would

give us, in many places, a mere strip of territory not more than three miles wide" cannot but impress one that such a strip is inconsistent with the terms of the Convention. Not at all.

The gist of Russia's claim was, control of as much sea-shore as possible, for the purpose of trading, and not land, and in accordance with this dominant idea the Convention was framed.

Hence it is quite consistent with the spirit and wording of the Convention that the strip may be in places "not more than three miles wide."

As for "meandering in every direction," this is a somewhat broad statement but undoubtedly the physical features are such that, the "strip" will meander in many directions.

"Shall we take the highest summits of the general mass of coast ranges?" A proper answer to this is—admit first that there are "mountains situated parallel to the coast," and then, after we have those physical features before us to deal with, no serious difficulties will be encountered in determining what summit to accept as being on the boundary.

"Shall we skip this way or that, with our zig-zag, impossible to survey except at fabulous expense and half a century of labour?" It is supposed that the Commissioners in the field, to whom any matter of detail would be referred, will be imbued with the desire to have practical, amicable, just and speedy decisions.

The "fabulous expense and half a century of survey" can be brought about by delay, through petty contentions and by doing unnecessary work.

The two interested Governments certainly do not intend to build a fence of monuments from the parallel of 56 degrees north latitude to the 141st meridian.

Where monuments shall be placed, can only be determined in the field, and governed by circumstances.

The tenor of Prof. Dall's report is, the impracticability of the physical boundary as specified in Article III of the Convention. Had the boundary line between the 56th parallel and the 141st meridian been described simply as following "the summit of the range of mountains," then there would have been some justification in Prof. Dall's remarks and strictures as quoted.

Examining carefully a map of Europe, one is struck at the almost universal physical boundaries between the various countries and many of them as mountain boundaries.

Take for instance Switzerland, and Austria (Bohemia). Can it be maintained that the Erz Gebirge between Germany and Austria, and which do not form a complete watershed, are more easily defined than the mountains "situated parallel to the coast" in south-eastern Alaska?

Switzerland, that "sea of mountains" in a measure, has a boundary line that "skips this way and that way, meandering in every direction," but here in America the physical boundary of south-eastern Alaska, as well-defined probably as any mountain boundary in Europe, is considered impracticable and impossible to survey. This does not seem reasonable.

It may be mentioned that the political boundaries of Switzerland do not coincide throughout with those of nature. This fact makes the boundary more difficult to follow.

There are several of the States of the United States which have their political boundaries formed by mountains. For instance the south-eastern boundary of Kentucky, the eastern boundary of Tennessee, and the western boundary of Montana.

In Bulletin No. 13, p. 122, U.S. Geological Survey, is found that "The Territory of Montana was organized May 26th, 1864, from a portion of Idaho. Its limits, which have been changed but slightly, are given in the following extract from the organizing Act:—

That all that part of the territory of the United States included within the limits to wit: Commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude, thence due west on said forty-fifth degree of latitude to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington, thence due south along said thirty-fourth degree of longitude to its intersection with the forty-fourth degree and thirty minutes of north latitude, thence due west along said forty-fourth degree and thirty minutes of north latitude to a point formed by its intersection with the crest of the Rocky Mountains, thence following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains, thence northward along the crest of said Bitter Root Mountains to its intersection with the thirty-ninth degree of longitude west from Washington, thence along said thirty-ninth degree of longitude northward to the boundary line of the British possessions, thence eastward along said boundary line to the twenty-seventh degree of longitude west from Washington, thence southward along said twenty-seventh degree

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of longitude to the place of beginning, be, and the same is hereby created into a temporary government by the name of the Territory of Montana. (Thirty-eighth Congress, first Session)."

Why it should be practicable to have a boundary line "following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains, thence northward along the crest of said Bitter Root Mountains to its intersection with the 39th degree of longitude west from Washington" and "the summit of the mountains" (occurring in the Anglo-Russian Convention of 1825) be wholly impracticable as stated by Prof. Dall, is not easily discerned.

It cannot be urged that the mountain boundary of Montana is synonymous with the line of the continental watershed, and hence practically indisputable. Examination will show that only the south-eastern part of the boundary is coincident with the line of the continental watershed. The query of Prof. Dall: "Shall we take the highest summit of the general mass of the coast ranges?" might, with equal propriety, be put in the case of Montana, by asking: "Shall we take the highest summit of the general mass of the Rocky Mountains?"

It is not known to the writer that the last question has ever arisen, and if it does, it undoubtedly will find a speedy solution between amicably disposed States.

There are probably very few treaty boundaries extant which, if put under the dissecting knife of one disposed to find fault, would not be found to have flaws.

It is necessary that one be familiar with the causes and reasons that led to the making of a treaty, in order to imbibe the spirit and intent thereof, whereby possibly ambiguous or obscure passages may the more readily be understood.

Many cases might be cited from treaties, conventions and agreements, wherein physical features or monuments are referred to geographical co-ordinates, as has been done with the "southernmost point of the island called Prince of Wales Island."

In the treaty of Washington of August 9th, 1842, is found, U.S.G.S. Bulletin No. 13, p. 17: " * * * , thence along said line to the said most north-western point" (of the Lake of the Woods). "being in latitude 49 degrees 25 minutes 55 seconds north, and in longitude 95 degrees 14 minutes 38 seconds west from the observatory at Greenwich * * * ."

The principle involved in this description is identical with that of the Anglo-Russian Convention of 1825 concerning the point of commencement of the boundary line. In both there is a physical feature, and in both the geographical position of those physical features is given.

The physical feature is always absolute, the geographical position of the physical feature is always approximate, no matter how refined the observation. The better the observation the nearer the approximation.

Abstractly considered, as an axiom may be laid down, that the position of physical features or monuments and the geographical or geodetic expression for such position are incompatible.

What is really meant by these geographical or geodetic expressions is "to the best of our knowledge and belief said..... is situated in latitude..... longitude.....". This is simply done to insure the identification of the physical feature.

Undoubtedly a geographical position can be made absolute, but only by disassociating it from any physical feature.

As an example may be given the north-east corner of Montana—U.S. G. S. Bulletin No. 13, p. 122: "Commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude, thence * * * ."

This point can only be determined by observation, and different sets of observations will very probably not give the same point upon the earth. The dependent physical point will shift with every set of observations for determining the same, whereas with the given physical feature its geodetic position shifts with every observation. Nevertheless, the refinements in astronomic observations are at the present time of such precision that, for practical purposes, the differences resulting from various determinations are so small that they may generally be disregarded.

When the description of a boundary line has been referred to mathematical points dependent upon geographical co-ordinates, to give effect to such boundary line material points must be substituted for the mathematical ones.

This is generally accomplished by a joint commission determining by observations the position of the boundary line on the ground, and the result of its labour, ratified by the interested and proper authorities. This latter act is in reality an inversion of the strict wording of the boundary line, for now, by the act of ratification, certain monuments planted under authority "shall" mark and designate certain points of said boundary line, whether they are exactly where they should be or not.

It is seen, therefore, that in the end we have always to deal with a material point or physical feature, irrespective of its absolute geographical position.

Although the following may be irrelevant to the subject matter under discussion, nevertheless the tenor thereof is worthy of the attention of Canadians, when negotiations with the United States are contemplated for settling the Alaskan boundary.

In a public document, U.S. Geological Survey, Bulletin No. 13, p. 30, is found:

"The treaty of cession" (France to the United States) "which bears date April 30, 1803, describes the territory only as being the same as ceded by Spain to France by the treaty of San Ildefonso."

From this it appears that the territory sold to the United States comprised that part of the drainage basin of the Mississippi which lies west of the course of the river, with the exception of such parts as were then held by Spain. The want of precise definition of limits in the treaty was not objected to by the American commissioners, as they probably foresaw that this very indefiniteness might prove of service to the United States in future negotiations with other powers. In fact, the claim of the United States to the area now comprised in Oregon, Washington and Idaho in the negotiations with Great Britain regarding the north-western boundary, was ostensibly based, not only upon prior occupation and upon purchase from Spain, but also upon the alleged fact that this area formed part of the Louisiana purchase. That this claim was baseless is shown not only by what has been already detailed regarding the limits of the purchase, but also by the direct testimony of the French plenipotentiary, M. Barbe Marbois."

With the foregoing before us, it is not unfair to assume that, if the United States think (which apparently they do) that there is any "indefiniteness" in the Anglo-Russian Convention of 1825, they would also be inclined to foresee "that this very indefiniteness might prove of service to the United States."

Canada must zealously guard her interests.

THE BOUNDARY SURVEY.

As before stated the boundary line resolves itself into three parts:—

1. The water boundary from the head of Portland Channel to the 56th parallel.
2. The mountain boundary from the 56th parallel to the 141st meridian.
3. The line of the 141st meridian.

The second part is by far the most important for consideration. It is futile to lay plans for the survey if there is no definite understanding what is to be surveyed. Hence, before any satisfactory suggestions can be made regarding the survey of the boundary line, Great Britain (or the more interested party, Canada) and the United States must come to a definite understanding on the three following principal points:—

1. The point of commencement of the line of demarcation or boundary line.

2. What is Portland Channel or Canal as understood by the Anglo-Russian Convention of 1825?

3. Are there "mountains situated parallel to the coast" between the parallel of 56 degrees north latitude and the meridian of 141 degrees west longitude?

It is firmly believed that there are sufficient data at hand to settle these points without going in the field.

This could be done by the appointment of two Commissioners, one for Canada and one for the United States.

These Commissioners, after being vested with the necessary authority, to meet, discuss and confer with each other on the points referred to.

After a full discussion, the Commissioners to make a joint report to their respective Governments on such points as have been mutually agreed upon, besides making individual reports to their respective Governments on those questions which have failed to receive a mutual solution.

These Commissioners should draft a plan for co-operation in the field, for co-operation will be necessary when the boundary line question has reached that stage.

The Canadian Commissioner could ascertain too at Washington the details of the triangulation and astronomic work which has already been done on the coast of south-eastern Alaska, work upon which the boundary survey may be based for topography to a greater or less extent, and thereby avoid a repetition of observations and unnecessary cost.

The survey of the "summit of the mountains situated parallel to the coast" is not only feasible and practical, but easier than the survey of a geodetic line, which would, from the nature of the country, be further removed inland amongst the mountains, and not so accessible from the coast as the former one.

The estimate of one and a half million dollars which has been made for the cost of the boundary line survey is considered far greater than is necessary for Canada or Great Britain to expend therefor.

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Outside of the 141st meridian and the 50th parallel, there will be very little survey to find the boundary, the surveying will be simply to show on paper, *i.e.*, on maps, where the boundary as found on the ground is, and to show where monuments have been placed, so that in future reference can be made thereto if necessary. Any special refinements in survey along the mountain boundary—the important part—on the part of Canada would be money unwisely applied, as there are other parts of Canada in greater need of accurate surveys than the mountains of the Alaskan boundary line.

Were Canada in a position to utilize otherwise any refined surveys that she might make there, as the United States can do, then there would be some plea for such class of work.

The United States having the sea coast can apply, and are in need of might be added, the best work for the purposes and safety of their navigation, hence they would be naturally more inclined to do more and more refined work than would be desirable or necessary for Canada to undertake in the boundary matter.

It must not be inferred that any slipshod work is advocated, on the contrary; but to be trite by repetition, surveying does not create the boundary, nature has done that, surveying interprets in geographical terms nature's work, and brings the boundary matter to an international conclusion.

As the expense for the survey will be no small sum, and the work extend over several years, all discussion possible should be made before taking the field, and all questions admitting of solution beforehand should be disposed of, in order to economize time and money in the field.

Finally summarizing, Canada must adhere to the "summit of the mountains situated parallel to the coast," for, if their existence be disclaimed, for which there is no evidence so to do, and as line of demarcation one substituted composed of "right lines having geodetic termini" as styled by Ex-Secretary of State, Mr. T. F. Bayard, Canada would be plunged into a sea of trouble, with increased expenditure and loss of territory.

What the pecuniary loss of such territory would be cannot now be estimated, as the interior is practically a *terra incognita*.

In the meantime there is the grand principle of right and justice to uphold so dear to every British subject.

I have the honour to be, Sir,

Your obedient servant,

(Signed) OTTO J. KLOTZ.

A. M. BURGESS, Esq.,

Deputy Minister of the Interior.

APPENDIX.

As an Appendix, are given a number of views taken in Alaska by me.

They are not shown as works of photographic skill, because, being all taken from the deck of a moving steamer some miles from shore and with generally a leaden misty sky, a good photograph was out of the question.

However they will give some idea of the existence of "mountains situated parallel to a coast."

Accompanying the report too are:

Pacific Coast Pilot, Alaska, Part 1, Edition 1883.

The *Forum*,—November, 1880.

Admiralty Chart, Port Simpson to Cross Sound, including the Koloschensk Archipelago.

U.S. Coast and Geodetic Survey map, Alaska and adjoining Territory, 1887.

(Signed) O. J. K.

NOTES ON A REPORT BY Mr. OTTO J. KLOTZ ON "ALASKA," DATED DECEMBER, 1880.

Speaking generally of Mr. Klotz' account of the physical features of the coast of the part of Alaska seen by him, I may say that in essential points it agrees with my own conception of the character of the coast as embodied in a short report prepared for Sir Charles Tupper in the winter of 1887-88.* This report was entitled, "Notes on the physical features of part of the West Coast of North America, in their relation to the position of the Boundary Line between Alaska and Canada."

I would add, however, that though I have crossed the Alaska "Coast Strip" in two places and skirted part of the shore in canoe, most of my general observations were made (as in Mr. Klotz' case), from the deck of the mail steamer.

Thus certain important facts of a general character still remain to be ascertained, and this might easily and at little cost be done by examining certain parts of the coast by means of a canoe or boat, and making some inland excursions of limited extent. The main point to be ascertained is the existence or otherwise, of passes through the Coast Ranges to the interior, in addition to those already known. Thus a river reported to be nearly equal to the Taku in size is said to flow into Port Snettishman, and streams, occupying valleys of some importance, probably occur at the heads of Bradfield Canal, Burroughs Bay and other similar bays and inlets.

A knowledge of the character of such alternative passes to the interior, if they exist, has, no doubt, by this time been obtained by the United States Government. Canada should obviously be independently in possession of the same information, in order that any discussions relating to the boundary may be undertaken on equal terms.

(N.B.—In the following memoranda and remarks on the report by Mr. Klotz, the references made are to the pages and paragraphs in the printed copy.)

Page 12, paragraphs 1-3. These paragraphs appear to give the idea that South-East Alaska (the Alaska "Coast Strip") has some considerable width. My view is that South-East Alaska has practically no "interior." The Stikine flows a few miles across South-East Alaska to reach the sea. It is further to be maintained that the entire courses of the Taku and Chilkat, including the heads of the inlets into which they flow, are Canadian.

THE BOUNDARY LINE.

Page 13, *et seq.* The greater part of this discussion of the meaning of the Convention of 1825, is based on documents and maps which have been brought together and fully treated of by Major-General Cameron in his report. Mr. Klotz re-traverses the ground already covered by General Cameron, but does not on all points agree with his conclusions.

I would respectfully suggest that Mr. Klotz might state in succinct form, on what special points he finds reason to disagree with General Cameron's contention, in order that such points may be privately discussed and that if possible a concurrence of opinion should be arrived at concerning them.

The inclusion in this discussion by Mr. Klotz of references to certain papers, obtained by General Cameron from the Foreign Office and embraced by him in the report previously referred to, naturally renders Mr. Klotz' report of an equally confidential character. It has been considered advisable to hold the diplomatic correspondence which led up to the Convention of 1825 in reserve for the present.

Page 14, paragraph 11. The contention advanced by the Government of British Columbia respecting the southern part of the boundary line is adversely criticised. As the Provincial Government has officially asked the Dominion Government to maintain this contention, and as some defence of it may be undertaken as an "outwork," if nothing more, I would suggest that its criticism may be left to the United States authorities.

Page 16, paragraph 5 to 8, page 17. Embodies a useful discussion of the confusion point at which it reaches the 56th parallel, I believe the view advocated by Major-General Cameron on this subject to be the correct one.

Page 19, paragraph 5. Geographers would, I believe, hold that an elevation of 1,000 feet would constitute a mountain for purposes of definition.

Pages 19 to 23. These citations from the United States Coast Pilot, Alaska, are useful for reference. I think, however, that we should not too readily accept the dictum of the Coast Pilot as to what are and what are not mountains along the Alaska Coast. For the purposes of the boundary line it is evident that we should contend for the crest of the first rise behind the coast whether this is called a "mountain" or not in the Coast Pilot. Further, the discussion of the mountains bordering Taku Inlet, Lynn Canal, etc., may give the impression that we are looking for a line *round* these inlets and that we do not claim their inland extensions as Canadian.

Page 22, paragraph 10. This statement, as here broadly made, does not correspond with the facts. Much of Alaska is a low, level country, with only scattered ranges of mountains. Nothing whatever is certainly known of the country on the north side of the St. Elias Alps, between Chilkat River (Krause) and Copper River (Allen).

*This was, I find, prepared for the late Hon. T. White, and copy of it was afterwards (November 26th, 1887), sent to Sir Charles Tupper, together with other special information asked for by him.

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Page 23, paragraph 11. I doubt the wisdom of characterizing the alternative boundary as "utterly and entirely impracticable." We are not called upon to do so. The United States contention appears to be that both the alternative boundaries are impracticable, and in thus characterizing one of them we yield half the case.

Page 24, paragraph 1. We should never admit in terms that we have to follow an "irregular and labyrinthine coast line." Such admission is destructive of General Cameron's view respecting the parallelism of the mountain boundary to the ocean coast line; a view which it is most important to maintain if at all possible to do so.

Page 24, paragraph 2. Petroff's suggested boundary has never been backed up by any authority, nor seriously advanced by anyone but himself.

Page 24, paragraphs 4 to 10. The opinions of Mr. Klotz, on this subject, merit respectful consideration. It may be said, however, (1) that a limited number of points only, on a geodetic line, would require to be fixed; (2) that great difficulty may be anticipated in determining mutually which natural points are to be taken as fixing the boundary. While it is to be hoped that amicable and equitable views will govern such decisions, the experience gained in former cases shows that this cannot be counted on. As an instance, I need only allude to the attitude of the United States Government in respect to the fixing of the North-west Angle of the Lake of the Woods.

Page 24, paragraph 11 to page 25, paragraph 2. This contention appears to be well based. I would remark, however, that the British Columbian Government explains the provision that Prince of Wales Island shall belong wholly to Russia, as implying that the line should go northward up Clarence Strait, parallel to the island.

Page 25, paragraph 4. "S. E. Alaska" has practically no "interior." We maintain that it is a narrow selvage along the coast.

Page 25, paragraph 8. We are not prepared to allow, as is here done, that the United States has any title to the shores of Lynn Canal.

Page 26, paragraph 4, to page 27, paragraph 1. Angell's treatment of the question of the boundary line in the *Forum* appears to me too sketchy and incomplete to require serious discussion.

Page 27, paragraph 2 to end of page 30. Most of this appears to me pertinent and likely to prove useful. Mr. Dall's statements respecting the boundary noted on pages 27-28, etc., are very loose and misleading. I think, however, that issue should not be taken with Mr. Dall on the ground of want of experience of S. E. Alaska, as this leaves Mr. Klotz open to an effective retort. In addition to such local experience as Mr. Dall may possess, he actually compiled the volume entitled the *Pacific Coast Pilot*, Alaska, Part I., from which Mr. Klotz, in previous pages, has quoted largely.

Also page 28, paragraph 5. If the coast strip runs parallel to the general direction of the ocean coast, as has been contended, it cannot be described as "meandering in many directions."

Page 28, paragraph 7. As before stated, I believe we cannot safely in advance count on any spirit of compromise or conciliation in respect to points left to be decided by commissioners on the ground, neither of whom would probably feel it to be within his province to yield anything which he can possibly maintain.

Page 31 to end of report. In the general principles here formulated by Mr. Klotz as to the necessary preliminaries and general mode of conducting the Boundary Survey, I fully concur.

The language of the Convention of 1825 must, in the first place, be interpreted to the satisfaction of both parties, and a definite line of action laid down, before survey parties are sent out for the purpose of delimitation. Experience gained in my conferences with Mr. Dall shows, that the interested parties cannot be expected to reach full agreement on this subject. Certain outstanding points would therefore require either to be compromised, or decided by some mode of arbitration, the arguments on both sides being fully presented.

Such previous agreement is necessary whether we adhere to the strict mountain boundary or adopt some possibly more convenient conventional line. In the latter case, in order to enable an equitable selection of initial points to be made, such preliminary interpretation of the Convention and determination of line to be run, might, I believe, be entered upon at once without disadvantage, and would be an important step towards a complete settlement. If not undertaken at once, we must, in self-defence, continue to learn more in detail the features of the country. Such knowledge may not directly facilitate an agreement, but will be necessary in order to enable us to maintain our claims against the advantage of local knowledge being accumulated by the United States Surveys.

GEORGE M. DAWSON.

3rd February, 1890.

COPY OF REPORT SENT TO SIR CHARLES TUPPER, NOV. 25TH, 1887.

Notes on the Physical Features of part of the West Coast of North America in their relation to the position of the Boundary Line between Alaska and Canada.

That part of the coast extending from the 141st meridian south-eastward to

Cross Sound—a distance of about 200 miles—appears to offer comparatively little difficulty in regard to the definition of the boundary as described in the Convention of 1825. The best information available tends to show that there exists a nearly continuous and well-marked range of high mountains, beginning at the North-west in Mount St. Elias, and terminating in Mount La Perouse, and that between this range and the coast the country is not generally mountainous, but consists rather of a nearly uniform plateau. This range appears further to consist in part or entirely of volcanic mountains, and if so differs altogether in character from that met with in the vicinity of the coast to the southward.

It may be assumed that the boundary line would naturally follow the crest of this range when not exceeding ten leagues from the coast; and judging from the United States Coast Survey map of Alaska (1884), would be at an average distance of less than fifteen miles from the coast for the greater part of its length, or from Yakutat Bay to Cross Sound.

It is to be remarked, however, in this connection, that the range or ranges here bordering the coast are likely to prove more rather than less irregular than represented on the map, and that there is reason to believe that one or possibly two or more streams rising in the vicinity of the head of Chilkat River, pass completely through the range to the coast. It is uncertain whether this river or these rivers reach the coast in Yakutat Bay or on the part of the coast between that bay and Cape Fairweather. Reports obtained from Indians during the past summer point to the existence of at least one such river reaching the last-described part of the coast, by which the journey is accomplished between the head of the Chilkat and the coast. It may also be noted that Mr. Seton-Karr, who visited the slopes of Mt. St. Elias in 1886, believes the summit of this mountain to be considerably further inland than ten leagues (P.R.G.S., May, 1887) though his opinion respecting the position of this point is considered as based on insufficient evidence, by Mr. W. H. Dall, (P.R.G.S., July, 1887.)

I have no personal knowledge of the coast above referred to.

Southward from the vicinity of Cross Sound the Alaska coast resembles in general character that of the contiguous northern part of the coast of British Columbia, though showing at the same time some peculiar features in respect to width of waterways, etc., which have no special bearing on the question of boundary. This coast and its adjacent islands, must be regarded as portions of the wide mountain belt of the Pacific coast in a partially submerged condition, in which the lower valleys are represented by straits, sounds, etc. The shores are everywhere bold and generally formed by steep wooded or rocky mountain slopes rising abruptly from the sea. There is in fact scarcely any flat land bordering on the coast, with the exception of that contained in low valleys forming the unsubmerged inland continuations of inlets, sounds, etc.

The main direction of the coast belt of mountains is remarkably uniform, and its general geological and physical features similar all the way from the Fraser River to Chilkat Pass, but none of the existing maps show even approximately the position of the innumerable constituent ranges and ridges of this wide mountain region. Though these constituent ridges preserve in the majority of cases an approximate parallelism to the direction of the mountainous belt, they diverge widely from it in other instances, and districts occur of so broken and tumultuous a character that it is scarcely possible to observe any ruling direction. A general idea of the amount of regularity in direction of the mountain ranges, may be gathered from an inspection of the outlines of the channels or straits bordering the coast. As previously remarked, these occupy main structural valleys in the partially submerged portions of the mountain region, and they are usually bordered by more or less continuous ranges in the direction of their length. Exceptions to this, however, occur in the case of Taku Inlet, and other transverse valleys, which break across the component mountain ridges.

Whether the coast line of the Convention, therefore, be taken to refer to the coast exclusive of the shores of the penetrating inlets, or whether the shores of these long inlets be included under the term, there need never be any difficulty in finding ranges or ridges of mountains immediately bordering on it, and the crests of these mountains would usually be at a distance of three or five miles only from the shore. These ranges or ridges bordering the shore are, however, not continuous, and though an independent and impartial study of the topography on the ground would probably result in determining without difficulty the proper course of the line in leaving one range and

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ing to the next, these interruptions might leave much room for argument and difference of opinion if regarded from opposite points of view. In determining such a line it would therefore be necessary to formulate in advance some general rule for guidance in such cases of interruption.

To illustrate this point the following notes from personal observation may be given:—

Both west and east sides of Lynn Canal* are bounded by remarkably direct and definite ranges, but to the north, the canal terminates in two diverging valleys, for crossing which some special rule might have to be applied. On the east side of Lynn Canal, a short distance from its head, the Skauge River, and a few miles further south a second stream, break through the eastern bordering range, but can scarcely be regarded as affecting its general continuity. Still further south on the east side, is Berner's Bay, four miles and a half wide. The eastern bordering range of the canal slopes down to the north entrance point of the bay, and, so far as I was able to observe, the ends of one or two distinct ranges abut on the north shore of the bay, and a comparatively low tract runs inland from its head. In tracing a line from point to point across the ends of the ridges and between more or less isolated elevations round the head of the bay, some difficulty might be found.

South of Berner's Bay, the immediate coast as far as Gastineau Channel is bordered by rather low, irregular, wooded hills, behind which, and running parallel with the general line of the coast, is a high and seemingly continuous range, carrying much permanent snow. The crest of this range is at a distance of probably ten or twelve miles from the shore. Its base comes out upon the shore, nearly opposite the middle of Douglas Island, and its crest is at a distance of from three to five miles from the shore from that place to the north entrance point of Taku Inlet.

Taku Inlet, as already mentioned, appears to cut across several of the constituent ranges of the Coast Mountains. As in the case of Berner's Bay, it would be comparatively easy to agree upon a line drawn across its entrance, from bordering coast range to bordering coast range, but possibly difficult to agree upon a line following along its shores from point to point of abutting ridges and crossing intervening valleys.

South of Taku Inlet, there is an apparently continuous high snowy range with summits ten or twelve miles from the coast, running past the head of Port Snettisham and towards the head of Holkham Bay. South of Holkham Bay, to Frederick Sound, the mountains are much more broken and irregular than before, and though there may be a continuous range parallel to the coast at some distance inland, the weather was too cloudy to enable me to see it.

Though I have twice passed along the coast between the mouth of the Stikine and Dixon Entrance, the mountains were on both occasions covered by clouds so as to prevent any general view. What could be seen of them, however, appears to indicate that there is here a somewhat confused mass of ranges and ridges, much more irregular than those to the northward. The complicated outlines of the sea-filled valleys of this portion of the coast, seems to confirm this, and though from the bold character of the coast, here as elsewhere, there need never be any difficulty in connecting the summits of mountains which rise everywhere abruptly at a short distance from the shore, the line so drawn would become of an extremely complicated and difficult character if an attempt were made to follow the tortuous outlines of the narrow inlets. Such a line as that last described, can surely never have been intended by the wording of the Convention, as the complicated forms of the penetrating inlets was almost as well known at the time, by Vancouver's charts, as it is at present, and the impracticable character of such a line must have been equally apparent.

The same remark would apply to an interpretation of the treaty which would fix the boundary line or any portion of it at a distance of ten leagues from the coast and parallel to the shores of the penetrating inlets. Such a line must have been even at the time of the treaty quite apparently, by reference to the existing maps, the most inconvenient possible. In a mountainous and often impenetrable region such as the coast is now known to be bordered by, it would be, in my opinion, next to impossible to define or survey such a line†.

A line following the culminating or axial range of the belt of Coast Mountains might without much difficulty be defined in a general way by an unbiased observer. I have been able to define and indicate thus generally the position of the axis of the continuation of the same mountain belt when I have examined it near the 51st, 53rd and 55th parallels of North Latitude. Such a dominant range can be made out where the Stikine traverses the mountains. It was again seen (from a distance)

* Exception must now be taken to the statement as here made. In subsequent discussions of the boundary, reason was found to hold that the line should cross Lynn Canal near its lower part instead of running round the head.

† Note.—This remark does not, of course, apply to a line 10 leagues inland parallel to the main direction of the Ocean Coast.

crossing the line of the Taku Valley, apparently not far beyond the head of the Taku Inlet. It would be represented by the watershed on the Chilkoot Pass, but from that point the boundary line turning to the south-westward runs almost directly athwart the trend of the mountain ranges. It is, however, quite improbable that a continuous and unbroken axial range exists from the vicinity of Dixon Entrance all the way to the Chilkoot Pass—a distance of over three hundred miles—and more likely that an axial or culminating character is taken up in turn by different more or less discontinuous partly overlapping or *echelon-like* ranges, in which case arbitrary lines would have to be selected joining these, a mode of procedure likely to give rise to much difference of opinion. It would further, for obvious reasons, often be difficult to define such a line in detail and with minute accuracy, whereas the boundary-line requires to be thus defined in view of the possible discovery of metalliferous deposits in its vicinity. A further difficulty in connection with such a line, arises from the circumstance that it would probably be necessary to revert to the ten-league limit for a considerable part of the whole distance, in consequence of the remoteness of the axial range from the main coast line. On the southern parallels before referred to, it is at an average distance of fully sixty miles inland from the main coast line.

A comparatively simple method, however, of deciding on such a line as that now in question, would be to define it as a watershed line between the drainage areas of the small streams flowing to the coast and those flowing in the opposite direction, or joining the upper parts of the larger rivers which cut through the whole belt of coast mountains, or through the greater part of it. The Stikine and Taku are known cases of such large rivers, but there may be others which we are not yet in a position to name. One such, reported to be nearly equal to the Taku in size, is said to flow into Port Snettisham. By determining the crossing of the axial range with such rivers in the first instance, and subsequently the line of watershed between the streams joining them on the two sides of the axial range, a sinuous but sufficiently definite line might be located.

With the exception of the first mentioned, viz.: that of defining the boundary line by the crests of mountains contiguous to the main coast line and exclusive of the penetrating inlets, all these modes of defining it would involve prolonged and expensive surveys, in connection with which it should be remembered that not more than half the days in the summer season of each year could profitably be employed in mountain work, owing to the prevalence of wet and thick weather on the coast.

GEORGE M. DAWSON.

DEPARTMENT OF THE INTERIOR, TOPOGRAPHICAL SURVEYS BRANCH.

OTTAWA, 14th December, 1901.

SIR,—I have the honour to submit the report of my visit to the coast of Alaska, made under your instructions dated 11th August last.

I left Victoria on the steamboat "Princess Louise" on the 29th of August, and landed at Metlakatla on the 3rd of September. Here I procured the small steamboat "Vigilant," belonging to the Indian Department, in which, after making the necessary preparations for the trip, I started for the Alaska Coast on the 7th of September.

In order to make the required "examination of the coast of Alaska between Portland Channel and Chilkat Inlet for the purpose of ascertaining the number and extent of the settlements on the coast and their position" (with reference to the boundary line between British and United States territory), I followed the continental shore as closely as the navigable channels would permit between the junction of the Pease Canal of the charts with Portland Channel to Pyramid Harbour in Chilkat Inlet.

I also entered many of the principal inlets, and approached close enough to the entrances of the others to form a good idea of the main topographical features of the country.

On the completion of my work, I handed the steamboat over to Mr. Todd, the Indian Agent at Metlakatla, and returned to Victoria by the steamer "Islander" of the Canadian Pacific Navigation Company's line. I reached Victoria on the 14th of October.

Before speaking of the settlements on or near the coast, I shall endeavour to trace out the boundary line as laid down by the treaty of St. Petersburg, which describes it thus:—

"Commencing at the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees, 40 minutes, north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as

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the point of the continent where it strikes the 56th degree of north latitude ; from this last mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude."

On the chart herewith, United States Coast and Geodetic Survey chart, No. 599, which is the latest and most accurate chart yet published showing the whole coast, I have sketched the principal mountain ranges, and have marked the boundary by a red line.

This line is laid down in accordance with the above quoted clause of the treaty, under the following interpretations:—

The line is run from the head of Portland Canal in a direct line to the point where the 56th parallel crosses the summit of the mountains parallel to the coast.

As the 56th parallel crosses these mountains more than once, that intersection which lies nearest to the head of Portland Canal must be taken.

The definition of a mountain is a summit rising above the timber line.

The words "*la crête des montagnes*," translated, the "summit of the mountains," do not require a continuous ridge or watershed. The summit ridge of each mountain is to be taken, and the valleys between the individual mountains must be crossed by straight lines from "crest" to "crest," whether they contain streams, rivers, or such arms of the sea as do not form part of the ocean.

The "coast" is understood to be the general coast line of the continent not including the shores of inlets which are less than six miles wide.

The mountains nearest the coast must be taken and not the high interior range.

The word "parallel" in "mountains parallel to the coast" is not to be taken in its strict geometrical sense as implying equidistance. It is unnecessary to search for mountains which are all at precisely the same distance from the coast, for Article IV of the treaty admits the possibility of these mountains "situated parallel to the coast" being sometimes more, and sometimes less than ten marine leagues from it.

TOPOGRAPHICAL DESCRIPTION.

Throughout its entire length the coast is bordered by a range of mountains 3,000 to 5,000 feet high. Their peaks are steep and rocky. Snow, at the time of my visit (September) lay in many of their sheltered ravines, but the exposed summits were generally bare, by which mark these mountains may be distinguished by an observer on the water from the higher mountains behind.

The summits of these mountains are not more than five or six miles in distance from the sea, and in many places they approach much nearer. This range is in general regular and continuous, except where it is cut through by the inlets and rivers. It is fronted on the seaward side by wooded hills, rising from the sea shore to heights varying from a few hundred feet to three thousand or more. These foothills slope off into points (such as Point Fitzgibbon, at the mouth of Burroughs Bay, Cape Fanshaw, and many others) and are cut by innumerable bays and harbours, which give the coast line the irregular outline shown on the charts. The mountains, however, keep a much more regular course. They are separated from the foothills by but a slight depression. Near Juneau and at the head of Lynn Canal the foothills vanish almost entirely and the rocky summits rise from the sea. These mountains are separated from the higher interior ranges by a generally well defined depression. The interior mountains are much higher and are snow-covered. They abound in glaciers, some of them of large size. The range is also much wider than the coast range, being in fact, as far as my observation extended, a succession of ranges parallel to the coast and rising to the eastward. None of the inlets, so far as I know, cut through these mountains, but many of them after penetrating the coast range spread out along the depression behind it, forming T-shaped inlets, so common on this coast.

Having made these preliminary general remarks, I shall now proceed to state in detail the results of my observation of the coast.

Both sides of the upper part of Portland Canal are bordered by high mountains rising immediately from the water's edge. The range on the west side continues southward without break along the shore to Gap Mountain, behind Pearce Island, where it begins to recede, and wooded hills come between it and the above. These hills rise to a sufficient height to hide the mountains from an observer on the water, but wherever a valley occurs in the foothills, the rocky range is seen close behind.

When passing the mouth of the small channel east of Fillmore Island, the mountains are seen at the head of this channel coming down to the water's edge on the continental shore. The small inlet running north-east from the northern end of Fillmore Island appears to cut into them. The range continues along the shore north of Fillmore Island, which is a low, wooded island, with irregular and discontinuous hills, 400 to 500 feet in height, covered with small trees ; the range can be seen over it.

The mountains now turn to the north along the east side of Nakat Inlet. The peaks called, on the Admiralty Chart (No. 2431), Nakat Mountain and Shed Mountain are in this range. The latter summit is about 2 miles east of Nakat Inlet. From it the range extends in a direction about N. 15° W. past the head of Nakat Inlet to the Boca de Quadra.

The other side of Nakat Inlet is bordered by wooded hills and at the head of the inlet a depression extends between these hills and the mountains to Boca de Quadra, a distance of about 5 miles.

The west side of Nakat Inlet is formed by the Cape Fox peninsula. A high ridge, called Peninsula Ridge, forms the backbone of this peninsula. The southernmost summit is called the Harry Saddle, 2,066 feet high, bare, or nearly so, of vegetation at its summit. This ridge continues north to Boca de Quadra, running parallel with the rocky mountains spoken of above.

Between South Quadra and North Quadra Mountains the ridge is broken by Boca de Quadra Inlet, but it continues on the other side in the same direction as before by North Quadra, Backbone and Behm Mountains until it is again interrupted by Behm's Canal. The same ridge appears to continue by Alava Ridge and connecting ridges along the south-west shore of Revillagigedo Island, and it, perhaps, appears again on the mainland in the heights in the southern part of Cleveland Peninsula.

But to return to the mountain range which I have traced northward from Nakat Inlet to the shore of Boca de Quadra.

Our course led us along Revillagigedo Channel west of Cape Fox Peninsula at a distance from shore of two to three miles.

The mountains were seen as a continuous range of rocky summits rising above the lower heights of Peninsula Ridge. When opposite the mouth of Boca de Quadra and looking up the narrow gap between South Quadra (1,764 feet) and North Quadra Mountain (2,353 feet) we see the rocky range three or four miles behind. These mountains evidently come down to the great bend in the inlet, which is so situated with reference to our point of observation that the gap in the range through which the inlet passes is not visible. Boca de Quadra widens out between the mountains and the Peninsula Ridge, and its long north-eastern arm evidently lies in a valley behind the rocky range, and separates that range from those behind.

Passing Point Sykes we enter Behm's Canal. The foothills slope down from Behm Mountain to this point. For about 10 miles from here to the entrance to Smeaton Bay, the hills seen from the water do not rise above the timber line, and probably do not exceed 1,500 feet in height.

At Smeaton Bay, the range we have been considering comes much nearer the shore. The summits appear to be not more than three or four miles back from the entrance to the inlet which cuts through them.

The Pacific Coast Pilot of 1883, published by the United States Coast and Geodetic Survey, says of Smeaton Bay:

"The surrounding country consists of steep, barren, rocky mountains, whose summits appear to be above the snow line. Except at its head, where the land is low, these mountains rise abruptly from the water's edge, sparsely wooded with small trees." The fact that land is low at the head of the inlet indicates that the mountains spoken of, the coast range, are a distinct range and are separated from the interior mountains by a depression in which lies the upper part of the inlet.

Looking northward from off the entrance to Smeaton Bay, these rocky mountains are seen to follow the coast very closely, fronted only by a narrow range of wooded foothills, until the view is bounded on the north by the massive mountains at the head of Behm's Canal.

Following Behm's Canal we pass the remarkable Eddystone Rock 250 feet high, and only 50 yards in circumference at its base, and come to Rudyerd Inlet, a T-shaped inlet, whose entrance cuts canon-like through the coast range, and whose arms lie in a depression behind this range and are backed by the higher mountains of the interior.

Walker Cove is a narrow inlet cutting through the coast range.

The next inlet is the estuary of Chickamin (locally known as Stewart) River. The estuary is about $1\frac{1}{2}$ miles wide at its mouth, between high and steep, wooded hills, and extends 6 or 7 miles back to the mouth of the river proper. It is filled with mud and bars, covered by only a few feet of water at low tide, and between which the current of the river cuts a tortuous passage. About three miles from its mouth the estuary is somewhat narrowed by a large rocky mountain on the north shore, part of the range under discussion. Chickamin River is large enough to colour with its mud, the waters of the whole bay, and even Behm Canal, outside the entrance.

Half way between Chickamin River and Burroughs Bay the mountains come nearer to the shore and the foothills decrease in height, until they run down to the cross-shaped Point Fitzgibbon, at the entrance to Burroughs Bay. The end of the

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mountain range is opposite to a point of the shore of Burroughs Bay, some two miles east of Point Fitzgibbon. The mountains here, as is usual with this range in crossing an inlet, do not come abruptly to the shore, but slope down by a steep, wooded ridge.

About two miles further up the Bay, we come to the mouth of Klahena River, where a cannery is situated. This is at the foot of a small wooded hill, forming the westerly point between the river and the bay. To the south, the hills slope gradually up towards a high rocky summit of the coast range, some three or four miles away. Across Klahena River is another wooded hill, forming the point between Klahena and Unuk Rivers. This hill rises behind to very high mountains, with summits partially snow-clad; the nearest of them being, perhaps, five or six miles away. Far up Unuk River are seen glacier mountains. Across the bay and on the north side of Unuk River are wooded hills with bare and rocky summits, 3,000 feet or more in height.

There is, along the north shore of Burroughs Bay and its continuation, Behm's Canal, a range of rocky, steep and wooded hills, whose summits are generally, but not always, bare rock. Immediately behind these are high, bare mountains, with patches of snow in their upper ravines.

It is difficult to decide where the continuation on the north side of Burroughs Bay of the coast range, which comes down to the south shore between Klahena River and Point Fitzgibbon, begins, but probably the long narrow inlet shown on the chart as running north from Burroughs Bay may be considered as the dividing line between these mountains and those of the interior. On account of the sudden turn in the shore there is some confusion in the mountain ranges here.

Be this as it may, there certainly exists a continuous succession of mountains along the north shore of Behm's Canal, and we are not concerned, as far as regards the boundary line, with the question whether these mountains are the same range as those south of Burroughs Bay, for the mountain boundary begins here, the 56th parallel passing close to the mouth of Klahena River and crossing the mountains on the north side of Burroughs Bay. The only point to be noted is that the mountains up Klahena River are *not* the coast range.

According to the chart, the 56th parallel crosses the mountains between Burroughs Bay and the Bell Arm of Behm's Canal. The mouth of Klahena River is shown as lying exactly on the parallel.

The red line, denoting the treaty boundary, I have drawn on the chart from the head of Portland Canal to a point of the mountains near the Bell Arm. This places the cannery in Canadian territory, if the latitude on the chart is correct. These channels to the east and north of Revillagigedo Island appear not to have been fully surveyed by the Coast Survey until this year.

Vancouver gave $56^{\circ} 01.5$ as the latitude of the head of Burroughs Bay. From Vancouver's chart this point appears to be at the edge of the mud flats at the mouth of Unuk River, and the latitude then agrees with that on the Coast Survey chart.

At the time of my visit the rivers were high and these mud flats were covered. The discoloration of the water was distinguishable throughout Burroughs Bay and for several miles along Behm's Canal.

Nearly opposite Point Fitzgibbon the mountains north of the bay recede from the shore and are hidden by high wooded hills (2,000 to 2,500 feet). These hills themselves afterwards recede and a sloping continuation of them forms Point Lees.

At Point Lees is the entrance of the channel which runs around Bell Island. This channel is called the Bell Arm of Behm's Canal.

Looking up it as we pass the entrance, the mountain range can be seen at its head, rising, as well as can be judged at several miles distance, steep from the water's edge.

The mountains are now hidden by Bell Island, height 1,000 to 1,500 feet, and we pass through a very narrow channel which widens out after we pass the western end of Bell Island. Looking up Bell Arm again, we see the rocky mountains, apparently forming a wall along the north shore of the channel. From the same point a view is obtained up Bailey Bay, to and around the head of which the mountains come close down. The narrow point between Bell Arm and Bailey Bay is formed by a steep, rocky, projecting ridge of the mountains terminating in high and steep wooded hills.

To the west of Bailey Bay the rocky summits come close down to the shore of Behm's Canal.

Three or four miles from the western end of Bell Island is Yes Bay (called McDonald Bay on the old charts). The entrance to this inlet is about one mile wide between the mountains which here border the coast.

On the north side of Yes Bay, about three miles from its mouth, is a cannery. Two or three miles north-west of the cannery is seen a high isolated peak. Probably

this is the terminus of the high rocky range seen at the head of Bailey Bay, and marks the point where it turns to the west and north-west, for this range does not go further south in Cleveland Peninsula.

The rocky ridge along the shore of Behm's Canal, through which Yes Bay cuts its way, and which has now become our coast range, is a spur, leaving the other range at Bailey Bay.

Looking south-west from the cannery, this ridge appears to decrease in height towards the interior of the peninsula, and it is generally not so high to the south of Yes Bay as it is to the north.

South of Yes Bay 4 or 5 miles we pass the mouth of Spacious Bay, a wide and extensive bay, at the head of which a flat extends a long distance back. Far beyond is seen a mountain range which is not on Cleveland Peninsula, but on Prince of Wales Island beyond Clarence Strait.

There is here a complete break in the mountains of Cleveland Peninsula; from Spacious Bay across to Vixen Inlet this low tract extends, and no great change in the sea level would probably make an island of the southern part of the peninsula.

South of Spacious Bay, around the head of Port Stewart, the mountains rise high again. Wooded heights are seen backed by some bare summits, but the weather when I passed was rainy and unfavourable for close observation. From here we ran into Naha Bay, in Revillagigedo Island, and lay at the wharf at Loring till late next morning, when, the weather having cleared, we set out to round Cape Caamano.

Some miles up Helm Bay are seen high rocky mountains, guarding the Bay on each side. These mountains run behind the wooded hills which slope down to Cape Caamano, and reappear about three miles north-west of the latter, as high rocky mountains, rising from the water's edge. These mountains are wooded nearly to the top, and resemble those on the shore near the mouth of Yes Bay. They run northward along the peninsula, receding somewhat from the shore, from which they are separated by high, bold hills.

Ship Point, about 10 miles west of Cape Caamano, is at the base of a wooded mountain, with moss-covered rock summit. The height of this mountain is given on the Coast Survey chart, 700, as 2,883 feet, and that of another summit close behind it is 3,345 feet.

From here northward, the hills near the shore are lower, and timbered to their tops. From a summit, height 2,260 feet, due south of the head of Union Bay, the hills slope down to the long, low spit called Le Mesurier Point, which divides Clarence Strait from Union Bay and Ernest Sound.

East of Point Le Mesurier lies Union Bay. It is about four miles from the point to the head of the bay, where a small river enters. This river is about 75 feet wide, expanding into a shallow estuary before it enters the bay. It flows in a wide valley between the height above mentioned, behind Point Le Mesurier, and a somewhat higher hill to the east. Up the valley no hills are seen. Since this valley extends in the direction of Helm Bay, and the ground at the head of the latter is shown on the chart as low, it is possible that a depression extends across here, through the mountains of the southern part of Cleveland Peninsula. Along the banks of the river above the estuary is a strip of ground covered with coarse grass; such as would be called a "prairie" in the Fraser River Valley.

East of the high hills which skirt the east side of Union Bay, stands a mountain at no great distance with a rounded top of red rock.

A few miles north of Union Bay is Vixen Inlet. The hills here recede, and none are seen behind the head of the inlet, but a flat extends in the direction of Spacious Bay. Snow-clad mountains were indeed seen in the distance, but they were very far off, and must lie on Revillagigedo Island.

North of Vixen Inlet the mountains come again close to the shore, and are fronted by wooded hills rising precipitously from deep water. The depth of water close to the shore at the cape of the mainland which forms the eastern headland of the narrow part of Ernest Sound is given as 900 fathoms. From the vicinity of Niblack Island, some distance further north, looking back, the hills backing this cape are seen rising very high to sharp-peaked mountains.

Over Deer Island, which rises in wooded hills to 2,000 feet or more, are seen high, rocky, snow-streaked mountains, estimated to be 12 to 15 miles away. This must be the inner range which passes the head of Bradfield Canal, and which will be further spoken of when I treat of that inlet.

After passing Deer Island we get a better view of the coast looking south-east up Seward Channel. A range of high moss-topped hills rises precipitously from the water. Close behind these are rocky mountains. The range close to the shore continues all the way to Point Warde.

The extremity of Point Warde is comparatively low, but about half a mile behind it the shore range rises abruptly. Here the channel turns easterly towards the entrance to Bradfield Canal.

Three and a half miles further we round another point and enter Bradfield Canal. At this point the hills are lower than those at Warde Point, but rise to the level of the latter about a mile back, and a range of wooded hills extends along the shore of the bay between this and Point Warde. Midway between these two points a small stream enters the bay. A house was seen on the shore at its mouth, probably a fishing station.

East of the last point lies Anan Bay, and east of the latter is a prominently projecting point. The hills which border the south side of the canal are at this point very steep and rise from the point to a rock-summit, snow-streaked, about $1\frac{1}{4}$ miles back from the shore, which lies in a range of rocky summits extending in a south-south-easterly direction.

In a direction approximately north north-west from the last mentioned point of the south shore is a similar point of the north shore, and behind this the hills rise steep to rocky mountains, which are a continuation of those on the south side, running in a distinct ridge in the same direction.

From some miles further up the canal we get a more distinct view of this range than we do from the west. They carry much snow in their northerly ravines. For some miles east from this range until the glacier mountains are reached, Bradfield Canal runs through a much less elevated country. The hills on either side are sloping, wooded, and only a few hundred feet in height. It is a distinct valley between the two ranges. Three or four streams of considerable size enter, which are evidently fed by the glaciers seen in the valleys of the inner range. There are probably, from appearances, glaciers also in the outer range.

At Duck Island the inlet cuts into the glacier range. These mountains are high and steep masses of rock, rising precipitously from the waters of the inlet to a much greater height than the outer range. There seems to be more than one range of them. The inlet cuts a deep navigable channel completely through the first and appears to be terminated in glaciers in the second of these ranges. The second range contains Mount Tye, a very high peak of conical form. This and Mount Kapko, in the first range, are very prominent features as seen from the entrance to Bradfield Canal. The main axial range is probably that in which stands Mount Tye.

Returning to the entrance to the canal, Ham Island is about three miles west of the point where the coast range comes down to the north shore of the canal. The shore between these points is very high and steep, rising to moss-topped summits. I have traced on the chart the boundary as following the summits of the coast range, but it might well be claimed that the line should follow the summits of these hills along the shore south of Warde Point and north of Ham Island. These hills are true foothills of the rocky mountains close behind them which I call the coast range, and are not much inferior to them in height. The dividing line between these hills and the coast range is marked by a small stream which flows from the north into Bradfield Canal about a mile and a half east of Ham Island. There is no well marked valley between these two ranges.

From the northern end of Ham Island, looking south-easterly across Bradfield Canal the coast range is seen over the foothills as a range of massive mountains with many snow-filled ravines.

Blake Channel is very narrow; it is bordered by the high and steep foothills, which hide the coast range except where a valley affords a glimpse of the rocks behind.

The coast range appears again at the head of the small bay which terminates Blake Channel to the north, and turns more to the west to follow the general trend of the coast, though receding somewhat from it. Up a valley opening northward east of the narrows of Eastern Passage the range is seen at an estimated distance of four miles, and again up several valleys for some ten miles north of Point Madan, always at about the same distance. The foothills along here are not so abrupt and are well wooded. I was unable to trace at this time the connection of Wrangell Peak with this range, but I afterwards obtained, from about ten miles out in Summer Strait, a good view of the range, part of it being nearly "end on." It appeared well defined, with a depression between it and the glacier range of the Stickeen, and seemed to pass behind Wrangell Peak, which appeared to be the end of a spur from it.

Northeast of Wrangell Peak the range continues until it crosses the Stickeen. The valley cut by the river through it is plainly seen, as of considerable width, and the mountains are not bold to the river, but slope considerably down to the valley. Behind this is the high Glacier Range of the Stickeen in which can be seen the outlet of the narrow valley through which the river passes.

From the same point of view (near Vank Island in Summer Strait) the whole northern and eastern horizon is bounded by massive mountains covered with snow-fields and glaciers. Many mountains are carved into fantastic shapes; the most remarkable is one in the north, supposed to be Church Peak at the head of the Patterson Glacier. Due east from my point of view is a long and high white crest about midway between Mount Tye and Mount Whipple, which, owing to the clearness of

the atmosphere, appears to rise close behind the houses of the town of Wrangell, although it must be at least 25 miles from them.

I have sketched on the chart the boundary line as following the coast range behind Wrangell Peak, and crossing the Stickeen not far above the last island of the delta. About this range the Alaska Coast Pilot says (page 111): "About five miles above the delta islands the valley narrows, and the river appears only two or three hundred feet in width. The depth in the channel to this point is nowhere less than seven and will average over twelve feet. The appearance of the high land on either side is as if ranges trending N.W. and S.E. were abutting obliquely upon the river." This agrees with my observation. The above description is evidently that of a person ascending the river, who, on account of the sloping and wooded nature of the faces of the mountains towards the river, would not see the rocky peaks as well as I did from a better point of view. Mr. Joseph Hunter, of the Canadian Pacific Railway staff, in 1877, made a traverse and reconnaissance of the Stickeen River for the purpose of indicating the position of the boundary line. On his plan he shows the boundary as following the glacier range, from Mount Whipple westerly to a mountain near the river valley; thence nearly north, crossing the river at its great southern bend, and about 7 miles south of the junction of the Iskut River, the principal easterly branch of the Stickeen. His crossing he gives as distant from Rothersay Point 24.74 miles by the course of the river, and from the coast line, assumed to be a line bearing N. 32° W. through Rothersay Point, 19.13 miles.

I may remark, *en passant*, that Mr. Hunter does not seem to have placed any mark at this point where he supposed the mountain boundary to cross the Stickeen, but he did place a monument at a point of the river 291 miles above this, or 53.99 miles from Point Rothersay by the course of the river, at the point where by his traverse he found that the river would be crossed by a line N. 32° W. parallel to the assumed line of the coast through Point Rothersay, and 10 marine leagues distant from that line.

I presume however that it is understood that the Canadian Government is not bound by Mr. Hunter's action, which seems not to have been authorized by the instructions under which he was working.

On Mr. Hunter's plan is also shown the line which Sir Matthew Begbie considered the summit of the coast range. This line crosses the river several miles below Mr. Hunter's and near the head of the delta, and agrees very nearly with that indicated by me.

From the point of view in Sumner Strait the appearance north of the Stickeen is as if a spur of the coast range, similar to the spur ending in Wrangell Peak, comes down to the Wilkes Range (see United States Coast and Geodetic Survey chart No. 705), and west of this the range is much broken by glacier valleys from the high mountains which approach within 6 or 8 miles the shore of Frederick Sound. The outer range however can still be traced, though sometimes with difficulty, up to Cape Fanshaw. This part of the line I have indicated by a red line on chart No. 705, which is on a large scale and shows many of the mountain peaks. The line after crossing the Stickeen at the little glacier runs to and then along the Wilkes Range south-east of Le Conte Bay. The mountains from which Le Conte Glacier flows appear to be in the Stickeen Glacier range. The coast range is much broken between Le Conte Bay and Thomas Bay, and the next peaks of it appear to be Thunder Mountain and the summits behind Horn Cliffs. Thence the line turns northward to the mountains on the east side of Thomas Bay.

Horn Cliffs rise precipitously from the water's edge to a height of 1,800 feet or more, and behind their escarpment rises the pinnacle of Horn Mountain. As seen from across the sound, near the mouth of Wrangell Strait, behind Horn Cliffs there appears to be a plateau, out of which rise this mountain and the other peaks eastward from it, including Thunder Mountain. The plateau, as well as these peaks, nearly to their summit, is sparsely wooded, and seems to extend back to the base of the Glacier Mountains. Between it and them is the appearance of a valley, through which possibly the discharge of the large glacier shown on the chart S.E. of Patterson Glacier flows to Le Conte Bay. I was unable, however, to verify this conjecture.

From Horn Mountain, the line runs to the summit of the "small glacier" of the chart, which, I think, discharges into Brown Cove, east of Point Agassiz. This seems to be the glacier referred to on page 197 of the Alaska Coast Pilot. "On the eastern side of Point Agassiz an immense glacier comes down to a good sized bay which is usually enumbered by mimic bergs from the foot of the glacier." The description, however, in the Pilot of the topography here, as well as along the northern shore of Frederick Sound generally, is inaccurate. The glacier is not of large size, although by a distant observer, unless in a very clear atmosphere, it might be confounded with the extensive glacier behind it.

Wood Point and Point Agassiz are promontories of a low, flat, wooded peninsula, which separates Thomas Bay from the Sound. The north side of the entrance to the

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bay is guarded by a similar though small peninsula terminated by Point Vaudeput. Close behind these flats rise the peaks of the coast range, which now becomes again a continuous range, distinct from the mountains behind.

A very striking feature of the coast range is the mass of rock which rises from the eastern shore of Thomas Bay behind the discharge channel of the Patterson Glacier. The face of this mountain is grooved by rock-slide channels from top to bottom. It is marked on the chart as "Land Slide." From off the mouth of Thomas Bay the Patterson and associated glaciers present a magnificent spectacle—the seaward faces and summit ridges of the mountains are covered by a vast field of snow and ice, out of which project rocky peaks. Another great glacier—Baird Glacier—comes down to the head of the northern arm of Thomas Bay. From the Land Slide to Powell Peak, on the other side of the bay, the direction is nearly parallel to the coast. The range then continues well marked to Spoon Knoll on the east side of Farragut Bay, and appears to be continued on the other side of Farragut Bay by Jamestown Peak and the unnamed mountains east of it, but a spur range runs out to Bay Point Knoll, Cyane Peak, Man of War Peak, and Tangent Peak. These are peaks rising from the summit of a high and massive wooded ridge with straight-cut ends which is a very prominent feature in the landscape, as we turn Cape of the Straits coming west.

The ridge appears to be cut off from the other mountains by valleys little above the sea level.

The point between the two arms of Farragut Bay is occupied by a high hill, wooded to its top, which is on the line of the coast range.

West of Tangent Peak, looking over the lower land which lies west of the great ridge are seen Mount Fanshaw and the massive rock summit of Mount Dahlgreen. Of the former I did not obtain a good view, and I cannot say that it is not wooded to the summit, although its height (2,818 feet), indicates that it rises above the timber line.

Cape Fanshaw is a long, low, wooded point. The shore north of it, and easterly into the mouth of Port Houghton, is bordered by wooded hills, of varying height up to 1,000 feet, perhaps.

I was unfortunate while here in the weather, which was too cloudy and rainy to permit me to trace distinctly the connection between the mountains at Port Houghton and those south-east of Cape Fanshaw. We lay at anchor in Port Houghton for thirty-six hours during a heavy rainstorm, and but little could be seen of the mountains in this neighbourhood. The weather was also bad when I passed on the return journey. The anchorage is on the south shore of the port, about three and a half miles in, just west of the cluster of small islands. About two miles south of this anchorage stands a cloven rock mountain peak. South of this again is a large conical mountain, which is probably Dahlgreen Mountain. These mountains are the continuation of the range which I have noticed as crossing Farragut Bay, and turning northward from there. This range is continued in the same direction on the other side of Port Houghton in the high and precipitous wooded hills of Point Hobart (1,500 feet), Point Windham (2,000 feet), &c. I could not see, however, any bare summits of these hills, for several miles north of Port Houghton, and hence have traced the line as passing north-east across the inlet to a mountain of the range next behind that containing Mount Dahlgreen, i.e., the range containing Mount Garfield, Lincoln Peak, &c., from which branches the Dahlgreen range, between Thomas and Farragut Bays. This range is not the glacier range; that is seen at the head of the inlet 10 miles from our anchorage. The mountain on the north side of the inlet through which I have drawn the boundary line was seen during a break in the clouds as a massive snow-capped mountain rising from the shore of the inlet 4 or 5 miles N.E. from our anchorage.

The next inlet north of Port Houghton is Hobart Bay. Looking up this from its entrance, the coast range can be seen about 5 miles back coming down to the shore behind the inlet, where it turns north. There is a slight break in these mountains through which at a much greater distance is seen a range of jagged peaks.

Up Windham Bay the coast range is again seen 5 or 6 miles from the coast. These mountains probably cross the inlet but the opening is not sufficiently wide or straight to show the jagged range behind. Between the snow-clad peaks of the coast range here and the coast, is a range of wooded hills with rocky summits. These are very similar to the foothills already noticed which line the shores of Blake Channel and of Ernest Sound south of Bradfield Inlet.

Between Hobart and Windham Bays the hills next the coast are not so high nor so precipitous as the bold promontories of Point Hobart and Point Windham.

The peninsula between Windham Bay and the southern arm of Holkham Bay terminates to the west in two points, Point League and Point Windham, the latter being about 2 miles north-west of the other.

Mount Windham, 2,000 feet high, bare on its top and on part of the seaward face, appears to be the culminating point of the mountains between Holkham and Wind-

ham Bays. There is a rocky summit between Mount Windham and the entrance of Holkham Bay, and high and steep wooded foothills follow the shore of the latter from Point Astley east and south-east up the southern arm of the bay. Similar hills rise behind Point Coke, but neither from the mouth of Tracy Arm nor from Port Snettisham could any rock summit be seen nearer than about 5 miles north of Point Coke, though the range from that point northerly is very distinct. Looking up the south arm of Holkham Bay, large snow-clad mountains can be seen about its head. Rocky summits of less height come down on the east shore of the bay between the north and south arms. A small glacier is seen in a ravine of these nearly due east from Point Coke.

Rocky mountains also come down to the point between Tracy Arm and its short western branch. From the head of this branch a low wooded flat extends to the southern arm of Port Snettisham. Harbour Island and the other islands in Holkham Bay are low.

The entrance to Port Snettisham is guarded by the promontories of Point Anmer and Point Styleman on the south and north respectively. From Point Coke to Point Anmer the hills along the shore are high and bold. "The land between Point Coke and the present promontory is backed by lofty and rather bare mountains, their sides scarred by avalanches and displaying, about 3 miles E. S. E. from Point Anmer, a remarkable cascade which falls from a ravine into the sea." Coast Pilot, page 108.

Going into Port Snettisham, a view of these mountains from behind is obtained. The summits fronting on Port Snettisham are higher than those seen from the sea. They rise to 3,500 or 4,000 feet, being far above the timber line, and are in a very regular range. As above mentioned, however, the rocky summits end or at least are obscured by the wooded foothills some distance north of Point Coke.

The southern arm of the port is about two miles wide and five long and terminates in a flat of the same width, which evidently continues to the north-western arm of Holkham Bay.

Looking up this valley, snow-clad mountains are seen at the apparent distance of 20 to 25 miles; these must be the mountains about the south-eastern arm of Holkham Bay.

The coast range comes down to the south shore of the entrance of Port Snettisham in a well defined ridge, ending in a point of the shore about two miles west of where the southern arm turns off. Opposite to this, on the north side, the range is equally well defined. It passes north-westerly from here, behind Taku Harbour to the shore of Taku Inlet.

East of the two arms of Port Snettisham is a high rocky range which rises rapidly to the east to still higher mountains, through which are cut the valleys of Speel and Whiting Rivers.

These mountains come west of the mouth of Speel River almost to the coast range from which they are separated by a narrow valley only.

We followed the estuary of Whiting River for about three miles up to a short distance below its first bend. The mountains here come down precipitously to the water on each side. The estuary is similar to that of Chickamin River, being filled with sand bars nearly to its mouth. These are uncovered at low tide, leaving a narrow and crooked channel for the swift waters of the river which is of considerable volume.

Speel River I did not examine. Passing along Stephens Passage north of Port Snettisham, the coast range is seen behind Limestone Inlet and Taku Harbour, rocky and snow-patched, five or six miles back from the coast with some nearer foothill peaks.

Five miles north of Taku Harbour, another small inlet cuts south-easterly through the high hills along the shore. At the head and to the east of this coast range is well seen running parallel to the general line of the coast. The mountains are very high, with some remarkable precipitous ridges and cloven peaks, but they slope down to the shore of Taku Inlet in such a way that I cannot say, since I did not go into this inlet, precisely where they strike the shore, but they seem to narrow the inlet somewhat about five miles from its mouth, probably at the point shown on the chart about that distance in. They appear on the other side of Taku Inlet, opposite to this point, as a massive rocky range.

Taku Inlet is bordered on both sides by mountains, of much the same height as the coast range, except at its head where the serrated peaks of stupendous glacier mountains are piled up in confusion.

From my point of observation, the mouth of the inlet, the nature of the dividing valleys between the ranges nearer the coast could not be distinguished, but the impression was given that the ridges run parallel to the coast and are cut at right angles by the inlet, especially on the west side, where there seems to be a distinct valley beyond the coast range.

This range continues north-westerly parallel to the shore of Gastineau Channel for several miles and at a distance of five or six miles therefrom. But between it and the

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shore the wooded foothills south of Taku Inlet are continued as a range of mountains rising from the water's edge to far above the timber line. These are shown as spur-ridges from the range behind on a map of Harris Mining District, made by Mr. Gar-side, a surveyor of Juneau, but from what I could see from the valley of Gold Creek in the vicinity of Silver Bow Basin, I am inclined to believe that they are distinct mountains, separated from one another by the valleys of numerous streams which run from the inner range to the sea, and connected with that range only by comparatively low ridges.

The Silver Bow Basin is a basin about half a mile in diameter, nearly surrounded by high ridges of the inner range and covered in front by spurs from the coast mountains. Gold Creek rises in this basin, and flowing through a narrow valley reaches the sea just north of the town of Juneau.

There is another, but smaller basin, on the course of the creek below the Silver Bow.

The height of the rocky summit just across Gold Creek from Juneau is stated to be 3,500 feet. A mile or two further back another peak of the same mountain must be 500 feet higher. Opposite to this last summit is the equally high peak of the mountain behind Juneau. The straight line joining these peaks will probably cross the lower basin near the centre. About three miles south-east of Juneau is the mouth of Sheep Creek, at the head of which there is said to be a basin similar to Silver Bow Basin.

From Juneau, as the western part of Gastineau Channel is unnavigable on account of sand bars, we have to travel back to the head of Stephens Passage and thence along the south and west sides of Douglas Island, and thence east of Shelter and Lincoln Islands into Lynn Canal. On account of the high mountains of Douglas Island, the mainland is not seen until the western end of that island is reached.

The continental shore opposite this point is deeply indented by inlets out of one of which the Auk Glacier discharges. Along the northern shore of Gastineau Channel is seen the range of high mountains close to the water, like those at Juneau. This range is cut through by the inlets mentioned, and behind them is seen a lofty range of mountains perhaps 10 miles back, from which the Auk Glacier seems to come, forcing its way through the cleft in the coast range, its foot almost at the sea level.

The coast range is fronted by wooded foothills, but they are dwarfed by the massive mountains behind them.

Nearly opposite Gull Island, Eagle Glacier is seen on the eastern shore of the canal. The appearance here is similar to that at the Auk Glacier, except that the coast range seems higher and the glacier mountains nearer.

All the peaks of the coast range north from here are snow-covered (20th September). Many small glaciers are seen in the ravines. High mountains also follow the western shore of Lynn Canal.

Passing Berners Bay, Point Bridget and Point St. Marys appear as sloping foothills, running out from the mountains close behind them. The peninsula from Point St. Marys to Point Sherman becomes steep towards the sea in the vicinity of the latter. The head of Berners Bay seems to run in behind the coast range and the rugged glacier range is seen at the head of the bay not covered by any front range. The coast range is continued in the massive mountains north-east from Point Sherman.

The "Coast Pilot" (page 195) says of the points:

"Point St. Mary lies N. W. $\frac{3}{4}$ N., $4\frac{1}{2}$ miles from Point Bridget, like which it is low and wooded, while its axis rises inland to mountains covered with snow, attaining to a considerable height, and constituting a part of the coast ranges which have been repeatedly alluded to.

"From this point about five miles N.W. by W. lies Point Sherman, named by Meade, apparently low and wooded, from which the north-eastern shore of Lynn Canal extends high, steep and rocky, at the base of the imposing mountains above mentioned, some twenty miles in a N.W. by N. direction."

The west shore is similar in appearance to the east. Point Whidbey peninsula looks like a foothill spur from the mountains which keep their course parallel to the coast and distant two or three miles from it.

Point Whidbey is described in the Coast Pilot (page 195) as "a rather remarkable high, steep, wooded promontory whose face is about three miles in length in a N.N.W. and S.S.E. direction, and which projects from the western shore of the canal to the extent of about three miles in an E.N.E. direction."

From the southern extremity of the promontory of Point Bridget to the southern extremity of Point Whidbey the distance across Lynn Canal seems to be less than six marine miles.

The Admiralty chart No. 2431 makes it more than 6 miles, but the Coast Survey chart 899, printed in March, 1891, and containing probably the best information, makes it only about five.

Hence, Lynn Canal north of this ceases to be part of the ocean, and the line connecting these points becomes the coast line. The boundary line will then pass from the mountain behind Point Bridget across the canal to that behind Point Whidbey.

Even if the mountain boundary were discarded and a line ten marine leagues from the ocean were taken, the ten-league line would cross Chilkah and Chilkoot Inlets about the latitude of the Davidson Glacier, and place the greater part of both these inlets in Canadian territory.

North of Whidbey Point, Lynn Canal is wider than six miles until it branches into the two inlets, Chilkah and Chilkoot, so that if it proves to be wider than six miles at Point Whidbey, the coast line is at Point Seduction. This point is the southern extremity of the peninsula between the two inlets. The peninsula is covered with low sloping hills and the first mountain on it is that W.S.W. from the mouth of Taiya Inlet and nearly north from Pyramid Harbour, and south from Chilkoot Lake.

Two or three miles south of this mountain the "Portage Road," about a mile in length, crosses a depression in the peninsula from inlet to inlet.

North of Point Sherman the range of mountains east of Lynn Canal rises directly from the water's edge. There appear to be no foot hills, but on the western side the mountains are fronted by a range of foot hills of fairly regular height. 17 miles north of Point Whidbey, Endicott River cuts a canon through the mountains of the west shore.

Every ravine on both sides of the upper part of Lynn Canal is filled with snow and there are many glaciers, the most prominent of which is the Davidson Glacier, whose terminal moraine projects into Chilkah Inlet in a wide flat point, covered with trees of large size.

North of this glacier the foot-hills on the west side vanish, and the mountains rise direct from the shore.

Pyramid Island Harbour, on the west-side of Chilkah Inlet, two or three miles below the mud flats at the mouth of Chilkah River is the most northerly and westerly point which I reached. Here accordingly my description of topography ends.

It has been assumed throughout, in marking the boundary line on the map that inlets are not part of the ocean, nor their shores part of the coast line. If it be decided otherwise, Portland Canal is also part of the ocean, and the boundary line must run from its head to the summit of the range which runs along its western shore; thence southerly along this range to Gap Mountain, and thence north along the chain of mountains I have described to Burroughs Bay. This would give to Canada the whole interior of the peninsula between Portland Canal and Behm's Canal, but at the expense of the loss of the heads of all the inlets.

I understand that the United States legal authorities in Alaska claim jurisdiction as far inland as 10 marine leagues from *tide water*. There is, of course, no authority for this in the treaty, the limit of tide water being a very different thing from the coast line.

I submit with this report the following charts and maps—United States Coast and Geodetic Survey chart No. 899, upon which I have sketched in the principal mountain ranges, and indicated the treaty boundary by a red line. Mr. Hunter's line at the Stickeen is shown by a blue line, and the alternative ten marine league line at Lynn Canal by a dotted red line,

United States Coast and Geodetic Survey Chart No. 709, showing Cleveland Peninsula on a larger scale.

United States Coast and Geodetic Survey Chart No. 706, a large scale chart to illustrate my remarks upon the coast between Union Bay and the mouth of the Stickeen.

United States Coast and Geodetic Survey Chart No. 705, showing the north shore of Frederick Sound.

Map of Harris Mining District and mines near Juneau, made by G. W. Garside of Juneau, United States Deputy Surveyor.

United States Navy Chart No. 904, which will illustrate the vicinity of Portland Channel, &c.

I may mention here, although this is a matter outside my instructions, that the last mentioned chart shows Cape Muzon in latitude $54^{\circ} 40'$ almost exactly, Cape Chacon in $54^{\circ} 41' 30''$, and the mouth of Portland Channel, just south of the small island on which is situated Fort Tongass, in latitude $54^{\circ} 46'$.

At the time when the treaty was made it was not known, though suspected, that Capes Muzon and Chacon were on different islands; "Prince of Wales Island" of the treaty is to be understood as including both the present "Prince of Wales Island" of which Cape Chacon is the southernmost point, and Dall Island, which terminates in Cape Muzon which is further south than Cape Chacon.

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Hence the initial point of the treaty description is Cape Muzon. A straight line drawn from this cape to the north of Portland Channel will cut off a small portion of Cape Chacon.

By article IV of the treaty the whole of Prince of Wales Island is to be included in Russian territory. Hence instead of one straight line from Cape Muzon to Portland Channel, we must have a straight line from Cape Muzon to Cape Chacon and another from the latter to Portland Channel.

The former of these lines seems to touch the small island called Bean Island which lies west of Cape Chacon. The other line crosses no land.

The channel called Portland Channel, or Canal, by Vancouver, which begins south of old Fort Tongass and runs inland between the mainland and Xannagbanut, Sitklan, Wales and Pearse Islands is not the intricate and tortuous passage it is sometimes represented to be. It is deep and straight, though narrow, from its mouth to the southern point of Fillmore Island.

Between Fillmore and Wales Islands are the only obstructions in the passage—a group of rocks and rocky islands which make caution necessary (in navigating an uncharted passage) for a mile or two only.

After this the channel widens out, and a few miles past the south-western end of Pearse Island becomes of the same width as the upper part of Portland Canal with which it is continuous in direction.

Fisheries. &c., on the Coast.

On a small island about 4 miles east of Cape Fox, and north of the entrance to Vancouver's Portland Channel, is Fort Tongass. This was a United States Military station after the purchase of Alaska from Russia, and for many years the port of entry for the whole of "South-Eastern" Alaska. Many of the old barrack buildings are still standing, but there is only one man living here, who is engaged in salting salmon. On the east side of Nakat Inlet about 3 miles from its head, stands a small house, lately occupied by another man in the same business, but now deserted. I was informed that there was another man resident on the shore of the channel north of Pearse Island, also engaged in salmon fishing, but I did not see the house. Along the upper part of Portland Canal there are no settlements whatever, except possibly Indians.

There are no settlements upon Pearse and Wales Islands, as no minerals have been found there, and these islands are uninviting for other pursuits.

On the shore of Cape Fox Peninsula, half way between Foggy Point and the entrance to Boca de Quadra, is a good sized village of the Cape Fox Indians. At the entrance to Boca de Quadra a salmon cannery was started in 1883, but I believe it is not working now.

The cannery at Burroughs Bay belongs to the Boston Fishing and Trading Company, which also owns the cannery at Yes Bay and that at Bartlett Bay, which is at the south-eastern corner of Glacier Bay, west of Lynn Canal.

At the cannery at Burroughs Bay they packed 12,000 cases of salmon last year, (4 doz. one-pound cans to the case). This year they have done nothing, the reason given being that it costs too much to catch the fish, on account of the scarcity and high price of labour. They have been doing some fishing, however, for the Yes Bay cannery in Kilaheena River and Stewart (or Chickamin) River. They were using a very large net, which they placed across the mouth of the river (Kilaheena) in such a way as to guide the fish into a trap.

At Yes Bay the pack this year is about 18,000 cases, employing about 8 whites and 30 Chinamen in the cannery, besides Indians to do the fishing. Bartlett Bay cannery was not worked this year.

On the north shore of Naha Bay, on the west side of Revilla Grigedo Island, is the large cannery of the Alaska Salmon Packing and Fur Company. They have packed this year 24,000 cases. The full capacity of the cannery is upwards of 30,000 cases but they find it difficult to get enough fish. There is a post office here called Loring. It is a point of call for the Alaska mail steamboats on their fortnightly trips.

There is a cannery at Point Highfield, at the north end of Wrangell Island, about two miles from Fort Wrangell, with a capacity of 12,000 to 15,000 cases, and another on the mainland shore south of the mouth of the Stickeen River, near Point Rothesay, but I believe that this is now idle. North of this there are no canneries until Chilkah Inlet is reached.

At Pyramid Harbour, on the western side of the latter inlet, is a large cannery belonging to the Pyramid Harbour Canning Company. The capacity is stated at 40,000 cases, but this year they have packed only 25,000. Most of their fish are caught in Chilkah River.

There is a post office here called Chilcat. The mail steamers call here fortnightly during the summer months or packing season, and less frequently in winter.

Across the inlet, almost opposite, is the cannery of the Chilcat Canning Company. They have packed 19,000 cases this year.

About two miles south from this cannery is that of the Chilcat Packing Company, which is idle this year, owing to the collapse of the roof of the main building last winter from the weight of snow.

The Bartlett Bay cannery, already referred to, is at Bartlett Bay on the eastern side of Glacier Bay, which lies west of Lynn Canal. Its capacity I do not know. It was not worked this year.

Glacier Bay appears to be about six miles wide at its mouth, but an accurate survey has not been made, and the charts differ considerably. If it is less than 6 miles wide, and if the mountainous character of the shores of Lynn Canal continues along Icy Strait, Bartlett Bay will be in Canadian territory.

So also with the three canneries on Chilkat Inlet, as has been already shown, under the contention that inlets less than six miles wide are not part of the ocean.

Similarly with the Yes Bay cannery if the mountains nearest the sea are followed. At Kluhena River the jurisdiction depends upon the position of the line from Portland Canal to the 56th parallel. If the cannery is in latitude 56° or more, it certainly lies in Canadian territory, but if its latitude is less than 55° 59' it is probably in Alaska.

There is no doubt that the canneries at Loring, Point Highfield and Point Rothsay are in Alaska, the two former being on islands, and the latter on a straight portion of the continental shore.

Huts were seen in several places on the shore at the mouths of small rivers, probably belonging to Indians or others engaged in drying salmon.

Many other kinds of fish besides salmon are found in the waters of Alaska, although the latter only are the basis of organized industry along the coast strip.

The species which came more particularly under my notice were flounders, halibut, "bull-heads," dog-fish porpoises and whales, the last abounding in Stephens Passage.

A great many hair-seals were seen, especially in Union Bay on the west coast of Cleveland Peninsula, which is also remarkable for its abundance of fish and fowl.

Mines.

Chickamin River derives its name from the Chinook word for "metal" or "money" which seems to indicate mineral wealth. I could not, however, find any one who knew anything of it, or hear of any miners having prospected there.

Miners have been up Unuk River. I have been told that 40 miles up from the mouth there is a canon 12 miles long, and that rich gold deposits are found in this canon, wherever the miners can get down to the water. My informant, however, got his information at second-hand, and the distances are probably not to be relied upon.

The man in charge of the Burroughs Bay cannery told me that five miners went up this river this season, but one of them, falling sick, shortly afterwards returned with one of his companions. The remaining three are supposed to be doing well. The two who returned walked out from the mines in nine days.

There seems to be no mining between this river and the Stickeen.

The mines of the Stickeen are far inland and are too well known to need description here. There are said to be comparatively few miners in that district at present, many having gone on to the Yukon.

Fort Wrangell, which was a thriving town, of the usual frontier stamp, during the palmy days of Cassiar, now presents much of the appearance of a deserted village.

From Cape Fanshaw northward, the coast appears to be rich in minerals, especially gold and silver quartz.

Little capital, however, has been expended in development, except in the immediate vicinity of the town of Juneau.

Leaving out of consideration the great Treadwell mine, which, being on an island, does not concern our present purpose, the largest mining operations in Alaska are carried on in the valley of Gold Creek, behind Juneau.

A general description of the topography of this region has been already given.

At the farthest point of the Silver Bow basin, about five miles from Juneau, is the 10 stamp mill of the Eastern Alaska Co. They get their rock from the summit of a high ridge to the south-east by means of a cable with slung buckets.

About $\frac{1}{2}$ mile west of this are the hydraulic works of the Silver Bow Basin Mining Co. The bottom of the basin is composed of gravel containing much gold, profitably worked by water brought from a great elevation. Above the gravel banks on the mountain side is another stamp mill.

A comparatively low wooded ridge separates the upper from the lower basin. On the east side of the latter is another stamp mill, and a fourth stands in the valley of Gold Creek below the lower basin. Up on the mountain side all along the valley of the creek are three houses of the smaller miners. A good wagon road connects Juneau with the mines.

The line connecting the summits of the mountains of the coast will probably cross the lower basin and place the upper three mills and the hydraulic works in Canada. A survey, however, will have to be made to establish this.

At the small basin at the head of Sheep Creek, two miles south-east of Juneau, silver and lead are found. There has been a good deal of development done here also.

At Port Snettisham two or three miners' cabins were noticed on the shore. The *Juneau City Mining Record* of 24th September, 1891, says of this region:—

"On the south side of Snettisham Bay are located a number of large bodies of two grade ore which compare favourably with the Paris Lode. The silver belt strikes the bay near its mouth and running south-east crosses the range at its highest point and continues through Sumdum and Shuck districts.

"Between Snettisham and Sumdum bays lies Argenta Basin wherein a number of claims have been located. The basin lies about three miles east of Stephen's Passage and about two miles west of the south arm of Snettisham Bay, and is in extent about equal in size to Sheep Creek Basin, and is easily accessible from either side, a wagon-road grade being easily obtained. The ore found on the west side of the basin is mostly a gray copper ore which runs high in silver and could be easily concentrated. On the east side of the basin a 20-foot ledge was recently discovered by Snow, Miller & Company, which was traced for the distance of a mile. The vein is well defined, lying between the black and porphyritic slates. This ore is a heavy galena and sulphurets rock and carries both gold and silver. Further down the creek towards Snettisham lies the location recently made by Frank Rapid and partner which is very rich in gold, assays from which run into thousands of dollars."

It is to be noticed that the mountains in which this basin is stated to lie are those between Stephen's Passage and the arms of Port Snettisham along the summits of which the boundary line runs.

Sumdum, spoken of in the above extract, is the local name for Kolkham Bay. On the south shore of the bay at the anchorage, a short distance in from Stephen's Passage, I saw two short drifts which had been run into the mountain side. This rock is stated to have assayed \$700 to the ton, but the vein appears to be very thin.

Shuck district, also mentioned by the *Mining Record*, is said to be somewhere near Cape Fanshaw. I could find no one who knew the exact locality. There is said to be a river called by that name, possibly the river shown on the maps as entering Port Houghton from the south, five or six miles from Stephen's Passage. Placer diggings are reported here, and it is said that several miners have done well.

Several places where minerals have been found are indicated on Mr. Gareide's map.

There is also a miners' camp of half a dozen houses on the east shore of Lynn Canal, under the high mountain north of Port Sherman. I did not stop here to make any inquiries. Some recent discoveries are reported by the *Mining Record* in Berners Bay.

I understand that there are now no miners up Taku River, nor on the shores of Taku Inlet.

Surveys.

No surveys of the interior appear to have been made by the United States Government, except Lieut. Schwatka's explorations of the Yukon and the country behind the St. Elias Alps. East and south of Lynn Canal their surveys have been confined to the coast, the inlets and the islands.

This year the Coast Survey steamboat "Carlisle Patterson" was engaged during most of the season in surveying Behm Canal and Boca de Quadra. The coast surveys are probably now completed as far as the continental shore is concerned.

The survey of the boundary line, if confined to the coast range of mountains, ought not to be a difficult, or very expensive task, these mountains being so readily reached from the sea. The photographic process will greatly abridge the labour and cost, especially in the northern part of the coast, where the determination of the line is most urgently needed, for there the timber line, below which photography is only partially available, is at a less height above the sea.

If any of the interior ranges are taken as the dividing line the labour and cost will be incalculably increased.

The best season for survey operations is probably from May to August inclusive. September is a very wet and stormy month, as I found it. October is considered

uncertain. Fresh snow was noticed after the equinoctial storms on the mountains nearest the coast, but not south of Revilla Gigedo Island. A marked rise of temperature was noticed in passing south from Frederick Sound.

I have the honour, to be, Sir,
Your obedient servant,

W. F. KING,
Chief Astronomer.

E. DEVILLE, Esq.,
Surveyor General,
Ottawa.

DEPARTMENT OF THE INTERIOR.

TOPOGRAPHICAL SURVEYS BRANCH.

OTTAWA, 5th March, 1892.

SIR,—I have the honour to submit a copy of Coast Survey Chart No. 899, upon which I have marked the Alaskan boundary line according to various interpretations of the treaty of 1825.

The contention of Canada is that mountains exist within a distance of ten marine leagues from the coast, such that it is possible to apply, without ambiguity, Article III of the treaty, in following their summits "situated parallel to the coast," and that the mountains nearest the coast should be followed.

It is not necessary that such mountains should lie in a continuous range. Such a range however exists. There is a definite and continuous range, which appears to be a continuation of the main coast range of British Columbia, and which runs in a direction generally parallel to the coast, at a distance therefrom of 15 to 20 miles. This range is the principal watershed of the coast. It is cut through by none of the inlets, and by not more than one or two rivers besides the Stickeen. Mr. Hunter, who in 1877, made a survey of the Stickeen for the Government of Canada, for the purpose of locating the boundary, adopted the axis of this range, discarding the outline ranges near the coast. I have shown approximately the summit of this range by the dotted blue line. These summits would form the boundary if an absolutely continuous range were required.

Such a range however is not spoken of in the treaty, and between this range and the sea lies at least one other range, sometimes more than one. These ranges have also a general parallelism to the coast (that is to the ocean, not the shores of the inlets); they are cut through by most of the inlets, and in some places are broken by valleys of rivers tributary to the inlets or to the sea. The highest of these ranges is distant four or five miles from the ocean.

I have drawn a red line on the chart to indicate the boundary line as following these last summits to the 56th parallel; thence in a straight line to the head of Portland Canal, thence along Portland Canal to Cape Chacon and Cape Muzon. Where the line encounters an inlet it goes straight across it to the nearest summit on the other side. This red line may be considered as my interpretation, from observation, of General Cameron's contention. I differ from him, however, in one place in Portland Canal. He passes north of Fillmore Island, a small island which lies north of Wales Island. I follow the direct channel south of Fillmore Island. His course there is indicated by the dotted red line.

Mr. Klotz has contended that the line does not cross the inlets, but passes along the mountain summits around them, so as in no place to touch salt water. Otherwise he agrees with General Cameron. My interpretation of his contention is shown by the dotted red lines around the heads of the inlets.

His line follows close to the shores of Lynn Canal and around its head. However, Lynn Canal is less than six miles wide near Port Bridget. The "ocean" (Article IV) ends here, and a line 10 marine leagues from it will cross the two branches of Lynn Canal, Chilkah and Chilkoot inlets, in about the latitude of the Davidson Glacier. This is indicated by the dotted green line.

There is another point to be considered. In the description in Article III, there is a break. The line runs to the head of Portland Canal. It begins again at the intersection of the mountains by the 56th parallel. It is not stated how we are to get from one of these points to the other, but the natural course to take is a straight line. Now, it appears that the 56th parallel crosses the mountains nearest the coast in at least three places, namely, in two points about the head of Behm's Canal, and in one point near the west shore of Cleveland Peninsula. I have drawn the full red line, which

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indicates my interpretation of the treaty, from the head of Portland Canal to the nearest of these intersections. It may, however, be contended that, under Article IV, the coast strip is intended to begin at the 56th parallel and continue northward, and that no part of it should be south of that parallel. In this case the line would be drawn (see green line on the chart) from the head of Portland Canal in a straight line to the farthest of the intersections, namely, that on the west side of Cleveland Peninsula.

The line contended for by the United States is shown on the chart by the black printed line. It is such that each point of it is 10 marine leagues from the nearest point of salt water.

I should mention that in drawing my red line to follow the crests of the mountains situated parallel to the coast, I have taken as mountains those summits which rise above the timber line.

Dr. Dawson states in his "Notes" on the report of Mr. Klotz in Alaska, that any summit rising above 1,000 feet would be considered by geographers a mountain.

The timberless summits, which my line follows, are higher than this, and between them and the sea are wooded foothills, generally rising to summits above 1,000 feet.

Dr. Dawson's definition would therefore bring the line nearer the sea coast than mine. The foothills have less regularity than the range behind them, and I have not sufficient data to mark them on the plan.

I have the honour to be, Sir,

Your obedient servant,

W. F. KING,
Chief Astronomer.

E. DEVILLE, Esq.,
Surveyor General.

MEMORANDUM.

OTTAWA, 10th October, 1892.

The boundary between Canada and the Territory of Alaska is defined in the third and fourth articles of the Convention of 1825 between Great Britain and Russia. These articles are as follows :—

"III. The line of demarcation between the possessions of the High Contracting Parties upon the coast of the continent and the islands of America to the North-west, shall be drawn in the manner following :—

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situate parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the Continent of America to the North-west."

"IV. With reference to the line of demarcation laid down in the preceding Article, it is understood :—

1st. That the island called Prince of Wales Island shall belong wholly to Russia.

2nd. That wherever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

With regard to the interpretation of these articles, the following questions present themselves for consideration and decision :—

1st. What is the point of commencement ?

2nd. What channel is Portland Channel ?

3rd. What course does the line take from the point of commencement to the entrance to Portland Channel ?

4th. To what point on the 56th parallel is the line to be drawn from the head of Portland Channel ?

5th. What are the mountains situated parallel to the coast?

6th. What is the coast?

Before discussing and, if possible, deciding upon these various points, it will be well to consider upon what geographical information the negotiators based their wording of the treaty. The evidence points conclusively to Vancouver's charts and the narrative published in his "Voyages," as the main source of information. He was the original explorer of the greater part of the coast in question, and his survey was, at the time of the Convention, considered the most accurate that had been made. His reputation, indeed, has not been affected by the results of modern explorations and surveys, and up to the present time very little change has been made in his delineation of the coast. The nomenclature of the treaty corresponds exactly with that found in both his "Voyages" and in the Charts, and as will be pointed out more particularly hereinafter, the wording of the treaty, the "Voyages," and the charts are, with certain exceptions, fully in accord.

Point of Commencement.

(1.) "Commencing at the southernmost point of the island called Prince of Wales Island."

Prince of Wales Island is easily identified with Vancouver's "Prince of Wales Archipelago," that is, with the large mass of land shown on his chart as terminating to the south in Capes Chacon and Muzon. This we know from his "Voyages" (p. 419, Vol. II, 4th edition) he supposed to be a number of islands, but having no knowledge of any dividing channels, he showed the whole as one island. Hence the Plenipotentiaries naturally referred to it in the discussions preceding the Convention, as well as in the Convention itself, as "Prince of Wales Island." In these discussions it is also referred to as being cut by the 55th parallel, which is not the case with Wales Island, now so called, which lies at the entrance of Portland Inlet.

This point is of consequence because Mr. Bayard, United States Secretary of State, in a despatch addressed to Mr. Phelps, United States Minister to Great Britain, dated 20th November, 1885, appears to accept the theory propounded by some United States officials that Wales Island is the Prince of Wales Island referred to in the Convention. As a matter of fact, it has been so named only within the last thirty years. Vancouver named the southern extremity of the island "Point Wales" which, no doubt, led to the application of that designation to the whole island. Moreover, Prince of Wales Island is recognized at once by the recorded latitude and longitude of its southern coast.

Vancouver showed on his chart the island as terminating in the points Muzon and Chacon, in nearly the same latitude, namely, about $54^{\circ} 40'$, also the southern shores of the island as much broken, and as little known, having been only partially surveyed. These two points, also, lie between 131° and 133° of longitude, as well by Vancouver's chart, as by later surveys. Hence it is apparent that the seeming vagueness of the latitude in the Convention was purposely intended in order to cover both of these known points, and any other point which might prove to project further south than they from the shore of this tract of land.

From the best modern charts it appears that Cape Chacon is the southernmost point of the main island and that Cape Muzon is that of a smaller, though still considerable, island lately named Dall Island, separated from the other by a very narrow channel, and that the latter cape is further south than Cape Chacon. Although Muzon is not the southernmost point of the largest island of the Archipelago, yet, the intention of the Plenipotentiaries in giving the wide margin in the longitude being to cover all the points, Cape Muzon must be understood to be the point intended by the Convention.

"Which point lies in the parallel of $54^{\circ} 40'$ north latitude, and between the 131^{st} and the 133^{rd} degree of west longitude." This part of the description disposes finally of Wales Island as the point of commencement, for that island, although in the vicinity of $54^{\circ} 40'$ north latitude, is not between the 131^{st} and the 133^{rd} degree of west longitude—is indeed at least 20 miles to the east of 131° .

It is also plain that the southernmost point of Prince of Wales Island is intended as the point of beginning, and not the parallel of latitude. The astronomical co-ordinates are given for purposes of identification merely. If they were intended to govern, the wording would be different, and a definition of a point by astronomical co-ordinates must be by the intersection of two lines, not by a parallel of latitude and two meridians of longitude 75 miles apart.

The *modus vivendi* made between the United States and Russia in 1824, in which $54^{\circ} 40'$ is mentioned as the boundary for the purposes of fishing and trading merely, cannot be taken as explanatory of the intentions of the negotiators of this Convention, which purports to demarcate territorial possessions. Seeing that the line is to "ascend to the north" from the point mentioned, a claim that the line is to run for 75 miles

due east along a parallel of latitude seems absurd. It is understood that the United States claim that the negotiators intended that the line should follow the parallel of $54^{\circ} 40'$, and to provide for the possibility that this parallel might cut off a part of Prince of Wales Island, they made the proviso in the 4th article that the island called Prince of Wales Island shall belong wholly to Russia. It may be noticed that, if such was the intention, there was no necessity for mentioning Prince of Wales Island in the third article at all. The name is superfluous, and ought, under this contention, to have been omitted as misleading rather than explanatory. Also, if the Russians supposed the point of Prince of Wales Island to pass below $54^{\circ} 40'$ they were claiming sovereignty over territory which in the previous year, by Convention with the United States, they had agreed not to occupy. Upon the theory that the line, commencing at the southernmost point of Prince of Wales Island, in the latitude and between the longitude mentioned in the treaty, immediately began to ascend to the north, it was requisite to provide that the whole of Prince of Wales Island should belong to Russia, otherwise such a line would possibly have cut off some portions of the island and given them to Britain, and this fact explains and harmonizes both parts of the description in the Convention, which otherwise would be obscure, if not misleading.

In this connection it is necessary to refer to the contention of the Government of British Columbia, as contained in the Minute of the Executive Council of that Province, dated 22nd July, 1884. The main argument of the Minute is largely based upon the unfounded assumption that the words "called Portland Channel" do not occur in the original Convention at all, and, consequently, that part of the Provincial case is valueless. The words do actually occur in the Convention, a certified copy of which, in the original French in which it was written, as well as of the accepted translation, is of record in the Department of the Interior. It might be well to inform the Provincial authorities accordingly, and thus afford them an opportunity of submitting an amended case.

According to their claim, the line should commence at the southernmost point of Prince of Wales Island, and thence ascend to the north "along the channel as far as the point of the continent where it strikes the 56th parallel." The channel here would be Clarence Strait, Behn's Canal, and its continuation through Burrough's Bay. The line drawn along this channel would reach the coast line of the continent at the mouth of Burrough's Bay, a short distance below the 56th parallel, and, continuing along the central channel of Burrough's Bay, would reach the 56th parallel as nearly as may be on the line of the summits of the mountains parallel to the coast, along which summit line the line of demarcation is to continue from this point according to the next clause of the description; and these mountains parallel to the coast were shown by Vancouver on his chart as coming down to the shore of Burrough's Bay. According to this reading of the description, the line from the southernmost point of Prince of Wales Island to the 56th parallel would ascend to the north along an actual water channel all the way; whereas, a line following Portland Channel must leave the water some miles before it reaches the 56th parallel.

The contention that this reading of the Convention would be more self-consistent and more in accordance with the topography of the country is not without basis in reason. It is at least as reasonable as would be a contention on the part of the United States that the parallel of $54^{\circ} 40'$ should be the line as far as the mouth of Portland Inlet, for that contention could be rendered logical only by the omission of the words "southernmost point of Prince of Wales Island." Two astronomical co-ordinates are given in the Convention for the purpose of identifying the point of commencement, namely, latitude $54^{\circ} 40'$ and longitude 131° to 133° . One of these co-ordinates is as vital as the other. Neither the one nor the other can be disregarded. The Convention requires the line to "ascend to the north." It cannot ascend to the north along a parallel of latitude; but it can ascend to the north between longitude 131° and 133° without inconsistency, and this will support so far the contention of British Columbia, since Burrough's Bay and all the connecting waters between it and the southernmost point of Prince of Wales Island lie, according to Vancouver's chart, between the longitudes named.

Some maps and other documentary evidence exist which indicate that at the time of the Convention, and shortly afterwards, the northward course of the line along Clarence Strait was accepted by geographers as the intent of the Convention. But while the above arguments may be urged in support of the claim of British Columbia, and thus may be valuable as a tactical outwork, as suggested by Dr. Dawson, with a view, if necessary, of being abandoned, it will probably have to be admitted that the words "called Portland Channel" must be governing words, seeing that they occur in the Convention. None of the inner channels on this part of the coast were known before Vancouver's time; he visited them and gave them the name by which they were called at the time the Convention was entered into, and which, for the most part, they still retain; and, as set out at the beginning of this memorandum, the negotia-

tors without doubt had Vancouver's charts before them and most likely drew their description according to them.

What channel is Portland Channel?

The words of the Convention are: "Shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th parallel of north latitude."

What is meant by Portland Channel is clear from the text of Vancouver's "Voyages." It is the channel whose entrance is just south of Fort Tongass, in latitude $54^{\circ} 45'$. Of the occasion upon which he named the channel Vancouver speaks thus—

"In the forenoon we reached that arm of the sea whose examination had occupied our time from the 27th of the preceding to the 2nd of this month" (August, 1793). "The distance from its entrance to its source is about 70 miles, which, in honour of the noble family of Bentinck, I named Portland's Channel." His reference here to the date of exploration leaves no doubt that his "Portland's Channel" is the channel which passes north of Kannaghaut, Sitklan, Wales, Fillmore and Pearce Islands. The channel now called Portland Inlet is a part of the waters named by Vancouver, Observatory Inlet. His reference in another place to Point Wales and Point Maskelyne as the headlands at the entrance to Observatory Inlet, leaves no doubt upon this point.

His chart also shows that by "Portland Channel" he intended the more northerly of the two channels, and such seems to have been the subsequent practice of cartographers until a comparatively late date, when the name Portland Inlet having been applied on an Admiralty chart to the lower part of Observatory Inlet, the United States Coast Survey, under the plea of avoiding confusion of nomenclature, gave the name Pearce Canal to what is properly the lower part of Portland Channel. Even up to so late a date as 1882 the United States Hydrographic chart of Alaska and Alexander Archipelago shows Portland Canal as continuing behind Pearce Island.

The entrance to Portland Channel is referred to by Sir Charles Bagot, during the negotiations precedent to the convention, as being in latitude $54^{\circ} 45'$, agreeing with Vancouver's recorded latitude of the mouth of the channel named by him "Portland Channel."

The Portland Channel of Vancouver is quite distinct from the Portland Inlet of recent charts. Both these passages were explored and named by Vancouver. As already shown, he gave the name of Portland Channel to the more northerly. The southerly channel he named Observatory Inlet. This Observatory Inlet included not only what is now known by that name, but also its continuation to the ocean, which is now called Portland Inlet. This is clear from the fact that Vancouver, in his "Voyages" speaks of Point Wales and Point Maskelyne as being the headlands of the ocean entrance of Observatory Inlet.

Vancouver's nomenclature appears to have been retained on all maps and charts until the year 1853, when on the Admiralty chart of Queen Charlotte Islands and adjacent coast, the name Portland Inlet was applied to the lower part of Observatory Inlet, and this name has been retained ever since by cartographers. No authority can be traced in the Hydrographic Department of the Admiralty for this name. On the chart of Alaska, published by the United States Coast and Geodetic Survey in 1862, Portland Channel is shown as distinct from Observatory Inlet, and the course of the boundary along the channel is not marked, although a dotted line is drawn from the head of Portland Channel northwesterly to indicate the inland boundary. On the United States Hydrographic chart of 1882, Portland Channel is shown as passing north of Pearce Island, but the boundary line is marked as passing in by way of Portland Inlet. In later charts the name Pearce Canal has been given to the part of Portland Channel between the north end of Pearce Island and Fort Tongass.

The whole of the confusion arises from the unauthorized use of the name Portland Inlet on the Admiralty chart of 1853, but it is perfectly clear that, at the time of the Convention, Observatory Inlet was considered to begin at Points Wales and Maskelyne, and no subsequent usage of cartographers can be taken as interpreting the intention of the negotiators of 1825.

Upon the maintenance of this position, that the channel named by Vancouver Portland Channel is that intended by the framers of the Convention, depends the ownership by Canada of Pearce, Wales and the adjoining islands. The commercial and military value of these islands to Canada, as commanding the nearest deep water communication with the ocean of an area of vast extent, has been pointed out by Major-General Cameron in his letter dated October 29th, 1886, to the Under Secretary of State for the Colonies. These islands would command not only the passage into Observatory Inlet and Portland Channel, but also the harbour of Port Simpson, which has been much discussed as the Pacific terminus of a second Canadian transcontinental railroad.

(3) What course does the line take from the point of commencement to the entrance of Portland Channel?

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The line commencing at the southernmost point of Prince of Wales Island is to "ascend to the north along the channel called Portland Channel." Between the southernmost point of the island and the mouth of the channel there is a gap of 75 miles of sea. The presumption is that Cape Muzon and the mouth of the channel (that is the midway point between Kannaghunut and Tongass Islands at the entrance to the channel now called Pearse Canal) are to be joined by a shortest line or great circle. The words "along the channel" refer to the course of the line after it reached Portland Channel and not before; besides, there is no channel properly so called, between the two points. Further, if the line were intended to pass through navigable water all the way from Muzon to the mouth of the channel there would be no meaning in the reservation in Article IV. of the Convention, of the whole of Prince of Wales Island to Russia.

Since the entrance to Portland Channel is further north than Cape Muzon, the great circle will be ascending to the north all the way. It appears that such a great circle will cut off a small piece from Cape Chacon. All the islands, &c., south of this great circle are to belong to Great Britain, excepting only the portion cut off from Cape Chacon, which, by the terms of Article IV., were to belong to Russia (and now to the United States) together with such rights as are allowed by the law of nations within three marine miles of the coast thereof.

From the entrance to Portland Channel, the line should ascend along the middle of the channel, that is, along a line equi-distant from the mean, low water mark upon each shore until it reaches the head of the channel, which is in latitude 55° 56'. There are a number of small islands which lie in Portland Channel, the ownership of which will have to be decided by actual survey.

(4) To what point on the 56th parallel is the line to be drawn from the head of Portland Channel?

The head of the channel is about four miles south of the 56th parallel, which the negotiators state is to be reached by a line ascending to the north along Portland Channel. There may be a question here as to how the line is to pass between the two main points—the channel and the parallel. Is it to pass in a due north line, following the literal meaning of the words "ascend to the north," and also thereby taking the shortest course from the head of the channel to the parallel? Is it to continue in the general direction of the channel at or near its head,—that is in a direction some degrees to the east of north; or is it to pass in a direct line or great circle to the intersection of the parallel with the summit of the mountains parallel to the coast?

Of these three lines the last appears to be the most in conformity with the words of the Convention, for the negotiators evidently intended that the line coming from the south should strike the 56th parallel at some definite point; and they go on immediately to say "from this last mentioned point the line of demarcation shall follow the summit of the mountains," &c. It is in the highest degree improbable that the due north line from the head of the channel, or a line prolonging the direction of the channel, would intersect, or would be supposed by the negotiators to intersect, the 56th parallel precisely at the summit of a definite range of mountains. The fact that this line connecting the head of the channel with the intersection of the parallel and the mountain summit will run in a direction not many degrees north of west does not conflict with the words "ascend to the north" more than does the nearly due east course of the line from Cape Muzon to the mouth of Portland Channel, since the evident intention was to draw a line from one definite point, namely, the southernmost point of Prince of Wales Island to another definite point, namely, the intersection of the 56th parallel and the mountains by a line which would pass by way of Portland Channel. The omission of the terminal course is merely a *hiatus* in words and not in sense, just as is the omission of the first course.

From the best information available, it appears that the 56th parallel crosses the range of a mountain parallel to coast at least three times. If such be the case, it would appear most reasonable that the point of intersection nearest to the head of Portland Channel should be taken and that the boundary line from thence should pass along the summit of the mountains, just north of the parallel, thence to the south, crossing the parallel, and following alongside the coast of Cleveland Peninsula, and thence again north following alongside the coast of the continent. There is, however, another contention upon this point which it is thought better to discuss, and which is discussed under the sixth heading, "What is the coast?"

(5) What are the mountains situate parallel to the coast?

"From this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude." That the mountains nearest the coast are intended, is evident from the following considerations:—

Vancouver, in his account of his voyages, refers repeatedly to mountains bordering the coast, wherever he touched, and such mountains are shown on his charts. If the negotiators had intended the line to follow the watershed of the whole region, or the

highest mountains, they would surely so have expressed it, the British negotiators, being on their guard, as is shown by correspondence precedent to the Convention, against the assumption that Vancouver's delineation of mountains, or any other feature not immediately on the coast, was to be relied upon, either as to distance inland or direction.

In the correspondence between the Plenipotentiaries many references occur which show that they had in their minds mountains close to the coast; as, for instance, in the observations made by the Russian Plenipotentiaries on the amended proposal of Sir Charles Bagot, where they speak of a chain of mountains which follow, at a very short distance, the sinuosities of the coast. The proposal of the British Plenipotentiary to limit the Russian territory by the seaward base of the mountains was met by the objection on the part of Russia that it was not impossible that these mountains might extend to the very border of the sea, which would leave Russia no territory on the coast. Other references in the diplomatic correspondence might be cited to show that the mountains nearest the coast were intended.

The distinction between mountains and hills is an arbitrary one, based upon altitude. A mountain may be defined, in accordance with the general usage of geographers, as "region in which the elevation of the surface changes about 1,000 feet or more by a slope rapid enough to be plainly perceptible to the eye" (p. 162 *Eclectic Physical Geography*, by Russell Hinman; published by Van Antwerp, Bragg & Co., Cincinnati and New York, 1888). Such is the general character of the elevations immediately bordering the sea along the whole Alaskan coast, but they are backed by higher mountains immediately behind them, whose summits are bare of timber and sometimes of all vegetation. Since the distinction of height between hills and mountains is a relative term, what are mountains in one country would be hills in another. It may therefore be found advisable for the purpose of facilitating an agreement, as well as having a better defined range, to restrict the application of the term mountains to those summits which rise above the timber line. The propriety of this use of the word does not admit of question.

The word parallel in "the summit of the mountains situated parallel to the coast" is explained by the reference to these mountains in Article IV. "the mountains which extend in a direction parallel to the coast." Parallel is defined by Webster as "having the same direction or tendency: running in accordance with something." It is nearly equivalent to "alongside." The frequent reference to these mountains by the negotiators in their correspondence show that they believed them to follow pretty closely the direction of the coast. That the word parallel is not to be taken in its strict geometrical sense as implying equi-distance is plain from the provision of Article IV. for the possible case that the mountains parallel to the coast may be sometimes less, or sometimes more, than ten marine leagues therefrom.

It is to be noticed that the line of ten marine leagues from the coast is not prescribed by Article IV as the alternative boundary. The provision is not that the line shall lie exactly ten marine leagues inland in the case of absence of mountains within that limit, but that it shall not be more than ten marine leagues inland. That is, the negotiators assume that there are some mountains nearer to the coast than ten marine leagues, and these mountains the line is to follow. If, however, there is a break or recession in the mountain range, the line is to cross that break keeping its general direction parallel to the coast. It makes no difference what causes the break, whether a recession of the mountains, a river, valley, or an arm of the sea not wide enough to be considered a part of the ocean. In the discussion of the negotiators, the territory assigned to Russia on the continental shore is always referred to as a "marginal strip" (*lisière*). Nothing more was asked for by Russia than a "point d'appui" on the coast. The limit of ten marine leagues was insisted upon by the British negotiators for the reason stated in the letter dated July 12th, 1824, from the Right Honourable G. Canning to Sir Charles Bagot:—"We have experienced that other mountains on the other side of the American continent which have been assumed in former treaties as lines of boundary, are incorrectly laid down in the maps; and this inaccuracy has given rise to very troublesome discussions." Hence it appears that the ten marine league limit was intended as a safeguard merely, and that it has no reference to any supposition as to the existence of a range of mountains at or about that distance from the coast. In short, the intention of the negotiators was to make the boundary line run in a general direction, parallel to the coast, and they believed that this object, with the further advantages of a natural boundary, would be best secured by following the summit of the mountains which they supposed to exist near the coast.

(6) What is the coast?

The word "coast" means lands bordering on the ocean. It cannot be properly applied to the shore line of a narrow bay, gulf or river. The word "côte" in the French original of the Convention, which is translated "coast," carries the same meaning. It is defined by Pierre Larousse in his *Dictionnaire du XIX Siècle*, a standard authority, as "the lands bordering on the sea which present themselves to the eyes (in

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approaching land) as being more elevated, the idea of considerable extent being conveyed." An inlet or fiord which is less than six miles wide is territorial under the rule of international law which gives a maritime state property in the ocean to a distance of three marine miles from the shore. Such an inlet is an indentation in the coast, but not part of the coast itself.

Again it may be remarked that to consider the shore line of inlets as coast is inconsistent with Article IV., by which, if the mountains which extend in a direction parallel to the coast prove to be more than ten marine leagues from the ocean, the line is to cross the gap parallel to the windings of the coast. Why is the word "ocean" substituted here for the word "coast" used everywhere else? Certainly for the purpose of defining what is meant by "coast." The word "ocean," by the accepted usage of geographers, cannot be applied to openings in the mainland less than six miles wide.

The word "coast" in this Article must mean ocean coast. The references in the negotiations to a "marginal strip of coast," not to exceed ten marine leagues in breadth, make this still more evident. On the contrary assumption that the shore lines of inlets are "coasts," in the case of an inlet such as Lynn Canal, which is longer than ten marine leagues, the limit of the marginal strip might be removed to 25 or 30 leagues from the ocean. Hence the word "coast" in this Article is to be taken in the sense "ocean coast," and therefore also in Article III., where it is used in exactly the same connection.

Article VII. of the Convention provides that for a certain time "the vessels of the two powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without hindrance whatever, all the inland seas, gulfs, havens and creeks on the coast mentioned in Article III, for the purpose of fishing and trading with the natives." The "coast" mentioned in Article III means the particular coast there described, that is between the mouth of Portland Channel and the 141st meridian, not the whole western coast of the continent. If the latter were intended it would have read "the western coast of America," or words to the same effect, instead of coast mentioned in Article III. In the preceding Article (6), almost precisely the same words are used "coast indicated in Article III," and there it is evident that the Russian coast alone is referred to.

If it were not the intention to give Great Britain the heads of any of the inlets, why is the concession of the right of navigation of these inland seas, gulfs, havens and creeks made reciprocal? If Russia had full ownership of them all, there was no need to reserve to herself the right of navigating them.

It is well understood that the United States claim that the shore lines of all inlets, however narrow, are part of the coast. If they make good this claim, Portland Channel must be considered a part of the ocean, and the boundary line, instead of being drawn from its head in a direct line to the intersection of the coast mountains by the 56th parallel near Burrough's Bay, must be drawn in a direct line to the summit of the range which follows the western shore of Portland Channel itself. It will then pass from the intersection of that summit with the 56th parallel south along the range to near Cape Fox and thence north again to Burrough's Bay, after which it will take the course indicated already, excepting that it must pass around the heads of inlets instead of crossing them parallel to the ocean.

The special cases of Dry Strait, at the mouth of the Stikine, and Gastineau Channel, on which is situated the town of Juneau, require special notice. By maritime law, the edge of the sea is the mean low water mark. Everything above that water mark, although covered at high tide, is land. Dry Strait extends from Mitkof Island to the mainland at the delta of the Stikine. It is bare, except at high tide. Consequently, Mitkof Island, with Rynda, Kadin, Farm, and other islands form a peninsula. The true coast line is here withdrawn to the first navigable channel,—Wrangell Narrows. Since all these islands are mountains, the boundary line will here cross by way of Kadin and Rynda Islands to Mitkof Islands, and include the whole delta of the Stikine, as well as the upper part of Frederick Sound, in Canadian territory.

The same is the case with Gastineau Channel, where the summits of the high mountains of what is called Douglas Island will form the Boundary, taking in, as Canadian territory, the towns of Juneau and Treadwell and the valuable mines in that vicinity.

Summing up the arguments stated, it is recommended that the course of the line of demarcation to be contended for on the part of Canada be as follows:—

Beginning from the extremity of Cape Muzon, which is the southernmost point of Prince of Wales Island, there are alternative courses as far as the point of the continent where the line reaches the 56th parallel, namely:—

1st. According to the contention of the Government of British Columbia, the line shall pass along the navigable channels around the southern and south-eastern coasts of Prince of Wales Island at a distance of one marine league from the shore, until it has rounded Cape Chacon, the most south-easterly point of the island; thence it shall

follow in a straight line to the point midway between Cape Chacon and Cape Northumberland, and thence up the middle of Clarence Strait, Behm's Canal and Burrough's Bay until it meets, in that Bay, the 56th parallel; thence it shall pass in a straight line to the nearest summit of the mountains parallel and nearest to the coast on the north-west side of Burrough's Bay.

2nd. According to that interpretation of the treaty in which the words "called Portland Channel" are governing words, the line beginning at Cape Muzon, shall pass in a direct line, or great circle, to the middle point of the mouth of the channel between Sitklan Island and the mainland near Fort Tongass, passing to the north of Bean Island, which lies a short distance to the westward of Cape Chacon, and intersecting the latter Cape, which, however, although lying at its southerly extremity south of the great circles to be included in United States territory by a deflection of the line of demarcation around its shores. From the mouth of the entrance between Sitklan Island and the mainland, the line shall pass up the middle of the channel explored by Vancouver and named by him Portland's Channel, to wit:—Between the continental mainland and Sitklan, Wales, Fillmore and Pearce Islands in succession and beyond them up the middle of the portion of Portland Channel which lies completely within the continent, to its head; thence in a direct line to the nearest intersection of the line of summit of the mountains parallel and nearest to the coast, at or near Burrough's Bay, by the 56th parallel.

By whichever route this last mentioned point on the 56th parallel is reached, the line of demarcation shall thence follow the summit of the mountains parallel and nearest to the coast, passing between the successive summits in straight lines; the coast being understood to be the line of mean low-water mark on the continental shore, with the proviso that any inlet, inland sea, gulf, haven, creek, river or stream whose mouth between the nearest headlands of the continent is less than six marine miles in width, be considered as territorial, and the straight line joining such headlands, as the coast; and the line of demarcation being understood to cross such inlet or opening in a direct line from summit to summit of the mountains on each side thereof.

CONVENTION BETWEEN GREAT BRITAIN AND RUSSIA, SIGNED AT ST. PETERSBURGH, FEBRUARY 28-16, 1825.

[Translation.]

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

Sa Majesté le Roi du Royaume Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui régèlerait, d'après le principe des convenances réciproques, divers points relatifs au commerce, la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions respectives sur la côte nord-ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:—Sa Majesté le Roi du Royaume Uni de la Grande-Bretagne et de l'Irlande, le Très Honorable Stratford Canning, Conseiller de Sa dite Majesté en Son Conseil Privé, etc. Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé Actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des affaires Etrangères, etc.; et le Sieur Pierre de Polieton, Son Conseiller d'Etat Actuel, etc. Lesquels Plénipotentiaires, après s'être communiqué leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants:

Art. I. Il est convenu que, dans aucune partie du grand Océan, appelé communément Océan Pacifique, les sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux

IN THE NAME OF THE MOST HOLY AND UNDIVIDED TRINITY.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an agreement which may settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation and fisheries of their subjects on the Pacific Ocean as well as the limits of their respective possessions on the north-west coast of America, have named Plenipotentiaries to conclude a Convention for this purpose, that is to say:—His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Stratford Canning, a member of His said Majesty's Most Honourable Privy Council, &c., and His Majesty the Emperor of all the Russias, the Sieur Charles Robert Comte de Nesselrode, His Imperial Majesty's Privy Councillor, a member of the Council of the Empire, Secretary of State for the Department of Foreign Affairs, &c., and the Sieur Pierre de Polieton, His Imperial Majesty's Councillor of State, &c. Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following Articles:

Art. I. It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or molested in any part of the Ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been

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côtes, sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sans toutefois les restrictions et conditions déterminées par les Articles qui suivent.

II. Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand Océan par les sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant; et que, réciproquement, les sujets Russes ne pourront aborder sans permission, à aucun établissement Britannique, sur la côte nord-ouest.

III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du continent et les îles de l'Amérique nord-ouest, sera tracée ainsi qu'il suit :

A partir du point plus méridional de l'île dite Prince de Wales, lequel point se trouve sous parallèle du 54^e degré 40 minutes de latitude nord, et entre le 131^e et le 133^e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme où elle atteint le 56^e degré de latitude nord : de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141^e degré de longitude ouest (même méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141^e degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique nord-ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent :

1. Que l'île dite Prince de Wales appartiendra toute entière à la Russie.

2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56^e degré de latitude nord au point d'intersection du 141^e degré de longitude ouest, se trouveroit à la distance de plus de 10 lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par un ligne parallèle aux sinuosités de la côte, et que ne pourra jamais en être éloignée que de 10 lieues marines.

V. Il est convenu en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédents assignent aux possessions de l'autre. En conséquence, les sujets Britanniques ne formeront aucun établissement, soit sur la côte, soit sur la lisière du terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les 2 Articles précédents; et de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites.

VI. Il est entendu que les sujets de Sa Majesté Britannique, de quelque côté qu'ils arrivent, soit de l'océan, soit de l'intérieur du continent, jouiront à perpétuité du droit de naviguer librement, et sans entrave quelconque, sur tous les fleuves et rivières qui, dans leurs cours vers la mer Pacifique, traverseront la ligne de démarcation sur la lisière de la côte indiquée dans l'Article III. de la présente Convention.

already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following Articles.

II. In order to prevent the right of navigating and fishing, exercised upon the ocean by the subjects of the High Contracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment, without the permission of the Governor or Commandant; and on the other hand, that Russian subjects shall not land, without permission at any British establishment, on the north-west coast.

III. The line of demarcation between the possessions of the High Contracting Parties, upon the coast of the continent, and the islands of America to the north-west shall be drawn in the manner following :

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes, north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the 141st degree in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west.

IV. With reference to the line of demarcation laid down in the preceding Article it is understood :

1st. That the island called Prince of Wales Island shall belong wholly to Russia.

2nd. That whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

V. It is moreover agreed that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding Articles to the possessions of the other; consequently, British subjects shall not form any establishment either upon the coast, or upon the border of the continent comprised within the limits of the Russian possessions, as designated in the two preceding Articles; and, in like manner, no establishment shall be formed by Russian subjects beyond the said limits.

VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean, or from the interior of the continent, shall for ever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in Article III. of the present Convention.

VII. Il est aussi entendu que, pendant l'espace de 10 ans, à dater de la signature de cette Convention, les vaisseaux des deux Puissances, ou ceux appartenant à leurs sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, toutes les mers inférieures, les golfes, havres, et criques sur la côte mentionnée dans l'Article III, afin d'y faire la pêche et le commerce avec les Indigènes.

VIII. Le port de Sitka, ou Novo Archangelak, sera ouvert au commerce et aux vaisseaux des sujets Britanniques durant l'espace de 10 ans, à dater de l'échange des ratifications de cette Convention. Au cas qu'une prolongation de ce terme de 10 ans soit accordée à quelque autre Puissance, la même prolongation sera également accordée à la Grande Bretagne.

IX. La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes à feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre; les Hautes Parties Contractantes s'engagent réciproquement à ne laisser ni vendre, ni livrer, de quelque manière que ce puisse être, aux Indigènes du pays les articles ci-dessus mentionnés.

X. Tout vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelque accident, de se réfugier dans les ports des parties respectives, aura la liberté de s'y radoubler, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront, pour lui, les mêmes que les bâtiments nationaux. Si, cependant, le patron d'un tel navire se trouvait dans la nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux ordonnances et aux tarifs de l'endroit où il aura abordé.

XI. Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les autorités civiles et militaires des deux Hautes Parties Contractantes, sans se permettre au préalable ni voie de fait, ni mesure de force, seront tenues de faire un rapport exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable, et d'après les principes d'une parfaite justice.

XII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres, dans l'espace de 6 semaines, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à St. Pétersbourg, 28-16 février, de l'an de Grâce 1825.

(L.S.) STRATFORD CANNING.
(L.S.) LE COMTE DE NESSELE-RODE.
(L.S.) PIERRE DE POLETICA.

VII. It is also understood, that, for the space of 10 years from the signature of the present Convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in Article III, for the purposes of fishing and of trading with the natives.

VIII. The port of Sitka, or Novo Archangelak, shall be open to the commerce and vessels of British subjects for the space of 10 years from the date of the exchange of the ratifications of the present Convention. In the event of an extension of this term of 10 years being granted to any other Power, the like extension shall be granted also to Great Britain.

IX. The above-mentioned liberty of commerce shall not apply to the trade in spirituous liquors, in fire-arms, or other arms, gunpowder, or other warlike stores; the High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or delivered, in any manner whatever, to the natives of the country.

X. Every British or Russian vessel navigating the Pacific Ocean, which may be compelled by storms or by accident, to take shelter in the ports of the respective Parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other than port and light-house dues, which shall be the same as those paid by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

XI. In every case of complaint on account of an infraction of the Articles of the present Convention, the civil and military authorities of the High Contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial report of the matter to their respective Courts, who engage to settle the same, in a friendly manner, and according to the principles of justice.

XII. The present Convention shall be ratified, and the ratifications shall be exchanged at London within the space of 6 weeks, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at St. Peterbourg, 28-16 day of February, in the year of our Lord, 1825.

(L.S.) STRATFORD CANNING.
(L.S.) COMTE DE NESSELE-RODE.
(L.S.) PIERRE DE POLETICA.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS RELATIVE TO NAVIGATING, FISHING, ETC., IN THE PACIFIC OCEAN.

[Concluded April 17, 1824; Ratification exchanged January 11, 1825; proclaimed January 12, 1825.]

[Translation.]

AU NOM DE LA TRÈS-SAINTE ET INDIVISIBLE TRINITÉ.

Le Président des États-Unis d'Amérique, et Sa Majesté l'Empereur de toutes les

IN THE NAME OF THE MOST HOLY AND INDIVISIBLE TRINITY.

The President of the United States of America and His Majesty the Emperor of

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Russies, voulant cimenter les liens d'amitié qui les unissent, et assurer entre eux le maintien inviolable d'un parfait accord, moyennant la présente Convention, ont nommé pour leurs Plénipotentiaires à cet effet, savoir : Le Président des Etats-Unis d'Amérique, le Sieur Henry Middleton, citoyen des dits Etats, et leur Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale ; et Sa Majesté l'Empereur de toutes les Russies, ses aimés et fidèles les Sieurs Charles Robert Comte de Nesselrode, Conseiller Privé actuel, Membre du Conseil d'Etat, Secrétaire d'Etat Dirigeant le Ministère des affaires étrangères, Chambellan actuel, Chevalier de l'Ordre de St. Alexandre Nevsky, Grand Croix de l'Ordre de St. Vladimir de la 1re classe, Chevalier de celui de l'aigle blanc de Pologne, Grand Croix de l'Ordre de St. Etienne et d'Hongrie, Chevalier des ordres du St. Esprit et de St. Michel, et Grand Croix de celui de la Légion d'Honneur de France, Chevalier Grand Croix des ordres de l'aigle noir et de l'aigle rouge de Prusse, de l'Annunziata de Sardaigne, de Charles III, d'Espagne, de St. Ferdinand et du mérite de Naples, de l'Elephant de Danemarque, de l'Etoile Polaire de Suède, de la Couronne de Wurtemberg, des Guelphes de Hanovre du Lion Belge de la Fidélité de Bade et de St. Constantin de Parme ; et Pierre de Poletica, Conseiller d'Etat actuel Chevalier de l'Ordre de St. Anne de la 1re classe et Grand Croix de l'Ordre de St. Vladimir de la seconde; lesquels après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les stipulations suivantes—

ARTICLE PREMIER.

Il est convenu que dans aucune partie du grand océan appelé communément Océan Pacifique ou Mer du Sud, les citoyens ou sujets respectifs des hautes puissances contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seraient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois, les restrictions et conditions déterminées par les articles qui suivent.

ARTICLE DEUXIEME.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand océan par les citoyens et sujets des hautes puissances contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu, que les citoyens des Etats-Unis n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant ; et que réciproquement les sujets Russes ne pourront aborder sans permission à aucun établissement des Etats-Unis sur la Côte nord-ouest.

ARTICLE TROISIEME.

Il est convenu en outre, que dorénavant il ne pourra être formé par les citoyens des Etats-Unis, ou sous l'autorité des dits Etats, aucun établissement sur la Côte nord-ouest d'Amérique, ni dans aucune des îles adjacentes au nord du cinquante quatrième degré et quarante minutes de latitude septentrionale ; et que de même il n'en pourra être formé aucun par des sujets Russes, ou sous l'autorité de la Russie, au sud de la même parallèle.

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all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the inviolable maintenance of a perfect concord, by means of the present Convention have named as their Plenipotentiaries to this effect, to wit :

The President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty ; and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert, Count of Nesselrode, actual Privy Councillor, Member of the Council of State, Secretary of State directing the administration of Foreign Affairs, actual Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honour of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III, of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wurtemberg, of the Guelphs of Hanover, of the Helig Land, of Fidelity of Baden, and of St. Constantine of Parma ; and Pierre de Poletica, actual Councillor of State, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Vladimir of the second ; Who, after having exchanged their powers, found in good and due form, have agreed upon and signed the following stipulations :

ARTICLE I.

It is agreed that, in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE II.

With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander ; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the north-west coast.

ARTICLE III.

It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the north-west coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude ; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE QUATRIEME.

Il est néanmoins entendu que pendant un terme de dix années à compter de la signature de la présente Convention, les vaisseaux de deux Puissances, ou qui appartiendraient à leurs citoyens ou sujets respectifs, pourront réciproquement fréquenter sans entrave quelconque, les mers intérieures, les golfes, havres et criques sur la côte mentionnée dans l'article précédent, afin d'y faire la pêche et le commerce avec les naturels du pays.

ARTICLE CINQUIEME.

Sont toutefois exceptées de ce même commerce accordé par l'article précédent, toutes les liqueurs spiritueuses, les armes à feu, armes blanches, poudre et munitions de guerre de toute espèce, que les deux Puissances s'engagent réciproquement à ne pas vendre, ni laisser vendre aux Indigènes par leurs citoyens et sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est également stipulé que cette restriction ne pourra jamais servir de prétexte, ni être alléguée dans aucun cas, pour autoriser soit la visite ou la détention des Vaisseaux, soit la saisie de la marchandise, soit enfin des mesures quelconques de contrainte envers les armateurs ou les équipages qui feroient ce commerce; les hautes Puissances contractantes s'étant réciproquement réservé de statuer sur les peines à encourir, et d'infliger les amendes encourues en cas de contravention à cet article, par leurs citoyens ou sujets respectifs.

ARTICLE SIXIEME.

Lorsque cette Convention aura été dûment ratifiée par le Président des Etats-Unis de l'avis et du consentement du Sénat, d'une part, et de l'autre par Sa Majesté l'Empereur de toutes les Russies, les ratifications en seront échangées à Washington dans le délai de dix mois de la date ci-dessous ou plutôt si faire se peut. En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont fait apposer les cachets de leurs armes.

Fait à St. Peterbourg le 17-5 avril de l'an de grâce mil huit cent vingt quatre.

HENRY MIDDLETON. (L.S.)
Le Comte
CHARLES DE NESSELRODE. (L.S.)
PIERRE DE POLETICA. (L.S.)

ARTICLE IV.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulphs, harbours, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE V.

All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two Powers, engage, reciprocally, neither to sell nor allow them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or in fine, any measure of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishment in case of the contravention of this article by their respective citizens or subjects.

ARTICLE VI.

When this Convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the seals of their arms.

Done at St. Peterbourg the 17-5 April of the year of Grace one thousand eight hundred and twenty-four.

(Seal) HENRY MIDDLETON.
" LE COMTE CHARLES DE NESSELRODE
PIERRE DE POLETICA.

UKASE OF 1799.

The following is a literal translation of the Ukase in question, taken from Golovnin, in "Materialui dlia Istorii Russkikh Zasselenii," 1, 77-80:—

By the grace of a merciful God, we, Paul I, Emperor and Autocrat of All the Russias, &c. To the Russian-American Company, under our highest protection: the benefits and advantages resulting to our Empire from the hunting and trading carried on by our loyal subjects in the north-eastern seas and along the coasts of America, have attracted our Royal attention and consideration; therefore, having taken under our immediate protection a company organized for the above-named purpose of carrying on hunting and trading, we allow it to assume the appellation of "Russian-American Company under our highest protection;" and for the purpose of aiding the Company in its enterprises, we allow the Commanders of our land and sea forces to employ said forces in the Company's aid if occasion requires it, with for further relief and assistance of said Company, and having examined their Statutes and Regulations, we hereby declare it to be our highest Imperial will to grant to this Company for a period of twenty years the following rights and privileges:—

1. By the right of discovery in past times by Russian navigators of the north-eastern part of America, beginning from the 55th degree of north latitude and of the chain of islands extending from Kamchatka to the north to America and southward to Japan, and by right of possession of the same by Russia, we most graciously permit the Company to have the use of all hunting grounds and establishments now existing on the north-eastern (sic) coast of America, from the above-mentioned 55th degree to Behring Strait, and on the same also on the Aleutian, Kurile, and other islands situated in the north-eastern ocean.

2. To make new discoveries not only north of the 55th degree of north latitude but farther to the south, and to occupy the new lands discovered, as Russian possessions, according to prescribed rules, if they have not been previously occupied by any other nation, or been dependent on another nation.

3. To use and profit by everything which has been or shall be discovered in those localities, on the surface and in the bosom of the earth, without any competition by others.

4. We most graciously permit this Company to establish Settlements in future times, wherever they are wanted, according to their best knowledge and belief, and fortify them to ensure the safety of the inhabitants, and to send ships to those shores with goods and hunters, without any obstacles on the part of the Government.

5. To extend their navigation to all adjoining nations and hold business intercourse with all surrounding Powers, upon obtaining their free consent for the purpose, and under our highest protection, to enable them to prosecute their enterprises with greater force and advantage.

6. To employ for navigation, hunting, and all other business, free, and unsuspected people, having no illegal views or intentions. In consideration of the distance of the localities where they will be sent, the provincial authorities will grant to all persons sent out as settlers, hunters, and in other capacities, passports for seven years. Serfs and house-servants will only be employed by the Company with the consent of their land-holders, and Government taxes will be paid for all serfs thus employed.

7. Though it is forbidden by our highest order to cut Government timber anywhere without the permission of the College of Admiralty, this Company is hereby permitted, on account of the distance of the Admiralty from Okhotsk, when it needs timber for repairs, and occasionally for the construction of new ships, to use freely such timber as is required.

8. For shooting animals, for marine signals, and on all unexpected emergencies, on the mainland of America and on the islands, the Company is permitted to buy for cash, at cost price, from the Government artillery magazine at Irkutsk yearly 40 or 50 pounds of powder, and from the Nerchinsk mine 200 pounds of lead.

9. If one of the partners of the Company becomes indebted to the Government or to private persons, and is not in a condition to pay them from any other property except what he holds in the Company, such property cannot be seized for the satisfaction of such debts, but the debtor shall not be permitted to use anything but the interest or dividends of such property until the term of the Company's privileges expires, when it will be at his or his creditors' disposal.

10. The exclusive right most graciously granted to the Company for a period of twenty years, to use and enjoy, in the above described extent of country and islands, all profits and advantages derived from hunting, trade, industries, and discovery of new lands, prohibiting the enjoyment of those profits and advantages not only to those who would wish to sail to those countries on their own account, but to all former hunters and trappers who have been engaged in this trade, and have their vessels and furs at those places; and other Companies which may have been formed will not be allowed to continue their business unless they unite with the present Company with their free consent; but such private Companies or traders as have their vessels in those regions can either sell their property, or, with the Company's consent, remain until they have obtained a cargo, but no longer than is required for the loading and return of their vessel; and after that nobody will have any privileges but this one Company, which will be protected in the enjoyment of all the advantages mentioned.

11. Under our highest protection, the Russian-American Company will have full control over all above-mentioned localities, and exercise judicial powers in minor cases. The Company will also be permitted to use all local facilities for fortifications in the defence of the country under their control against foreign attacks. Only partners of the Company shall be employed in the administration of the new possessions in charge of the Company.

In conclusion of this our most gracious order for the benefit of the Russian-American Company under highest protection, we enjoin all our military and civil authorities in the above-mentioned localities not only not to prevent them from enjoying to the fullest extent the privileges granted by us, but in case of need to protect them with all

their power from loss or injury, and to render them, upon application of the Company's authorities, all necessary aid, assistance, and protection.

To give effect to this our most gracious Order, we subscribe it with our own hand and give orders to confirm it with our Imperial seal.

Given at St. Petersburg, in the year after the birth of Christ 1799, the 27th day of December, in the fourth year of our reign.

(Signed) "PAUL."

RUSSIAN UKASE OF SEPTEMBER 4-16, 1821.

[On the original is written in the handwriting of His Imperial Majesty: "Be it accordingly, ALEXANDER."]

KAMMENOI OSTROFF, September 4, 1821.

Rules established for the Limits of Navigation and Order of communication along the Coast of Eastern Siberia, the North-West Coast of America, and the Aleutian, Kurile and other Islands.

1. The pursuits of commerce, whaling, and fishery, and of all other industry on islands, posts, and gulfs, including the whole of the north-west coast of America, beginning from Behring's Straits to the 51° of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Straits to the south cape of the Island of Urup, viz., to the 45° 50' north latitude, is exclusively granted to Russian subjects.

2. It is therefore prohibited to all foreign vessels, not only to land on the coasts and islands belonging to Russia as stated above, but, also, to approach them within less than 100 Italian miles. The transgressors' vessel is subject to confiscation along with the whole cargo.

3. An exception to this rule is to be made in favour of vessels carried thither by heavy gales, or real want of provisions, and unable to make any other shore but such as belongs to Russia, in these cases they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly Governments, merely on discoveries, are likewise exempt from the foregoing Rule 28. In this case, however, they must be previously provided with passports from the Russian Minister of the Navy.

4. Foreign merchant-ships which, for reasons stated in the foregoing rule, touch at any of the above-mentioned coasts, are obliged to endeavour to choose a place where Russians are settled, and to act as hereafter stated.

5. On the arrival of a foreign merchant-ship, wind and weather permitting, a pilot will meet her to appoint an anchoring place appropriated for the purpose. The captain, who, notwithstanding this, anchors elsewhere without being able to assign a reason to the Commander of the place, shall pay a fine of 100 dollars.

6. All rowing-boats of foreign merchant-vessels are obliged to land at one place appointed for them, where, in day-time, a white flag is hung out, and at night a lantern, and where a clerk is to attend continually to prevent importing and exporting any articles or goods. Whoever lands at any other place, even without an intent of smuggling, shall pay a fine of 50 dollars, and if a person be discovered bringing any articles ashore, a fine of 500 dollars is to be exacted and the goods to be confiscated.

7. The Commanders of said vessels being in want of provisions, stores, &c., for the continuation of their voyage, are bound to apply to the Commander of the place, who will appoint where these may be obtained, after which they may, without difficulty, send their boats there to procure all they want. Whoever deviates from this Rule shall pay a fine of 100 dollars.

8. If it be unavoidable, for the purpose of repairing or careening a foreign merchant-ship, that she discharge the whole cargo, the master is obliged to ask the permission of the Commander of the place. In this case the captain shall deliver to the Commander an exact list of the natured quality of the goods discharged. Every one who omits to report any part of the cargo will be suspected of smuggling, and shall pay a fine of 1,000 dollars.

9. All expenses incurred by these vessels during their stay in the Russian territories must be paid in cash or bills of exchange. In case, however, the captains of these ships have no money on board and nobody gives security for their bonds, the Commander can, at their request, allow the sale of such articles, stores or goods, required merely for defraying the above-stated expenses. These sales, however, can be made only to the Company, and through the medium of the Commander, but must not exceed the expenses of the ships, under penalty of the cargo being seized and a fine paid of 1,000 dollars.

10. As soon as said foreign merchant-vessels are ready for their cargoes, stores, provisions, &c., they must immediately proceed to take them in, and after an examination, if they have loaded all the above-stated articles, and a written certificate of their

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21. The captain of a foreign merchant-ship coming to an anchor in the port or in the roads is obliged, on his arrival, to give a statement of the health of the ship's crew, and should, after this, a contagious illness be discovered on board of his vessel, he must immediately inform the Commander of the place thereof. The vessel, according to circumstances, will be either sent off or put under quarantine in a place appropriated for the purpose, where the crew may be cured without putting the inhabitants in danger of infection. Should the captain of such a ship conceal the circumstances, the same will be confiscated with her whole cargo.

22. The master of a vessel, at the request of the Commander of a place, is obliged to produce a list of the whole crew and all the passengers, and should he omit any, he shall pay a fine of 100 dollars for every one left out.

23. The captains are bound to keep their crews in strict order and proper behaviour on the coasts, and in the ports, and likewise prevent their trading or bartering with the Company's people. They are answerable for the conduct of their sailors and other inferiors. Illicit trade carried on by sailors subject the vessel to the same penalty as if done by the captain himself, because it were easy for the captains to carry on smuggling without punishment, and justify themselves by throwing the fault on the sailors. Therefore, every article found upon sailors which they could not hide in their pockets or under their clothes to screen from their superiors, sold or bought on shore, will be considered as contraband from the ship, and is subject to the prescribed fine.

24. Foreign men-of-war shall likewise comply with the above-stated Regulations for the merchant-ships to maintain the rights and benefit of the Company. In case of opposition, complaints will be made to their Governments.

25. In case a ship of the Russian Imperial Navy, or the one belonging to the Russian American Company, meet a foreign vessel on the above-stated coasts, in harbours and in roads, within the before-mentioned limits, and the Commander find grounds, by the present Regulation, that the ship be liable to seizure, he is to act as follows:—

26. The Commander of a Russian vessel suspecting a foreign vessel to be liable to confiscation, must inquire and search the same, and finding her guilty, take possession of her. Should the foreign vessel resist, he is to imply first persuasion, then threats, and at last force; endeavouring, however, at all events, to do this with as much reserve as possible. If the foreign vessel employ force against force, then he shall consider the same as an evident enemy, and force her to surrender according to the naval laws.

27. After getting everything in order and safely on board the foreign vessel, the Commander of the Russian ship, or the officer sent by him, shall demand the journal of the captured vessel, and on the spot shall note down in the same that on such a day, month, and year, at such an hour, and in such a place, he met such and such a foreign vessel, and shall give a brief account of the circumstances, pursuit, and finally of the seizure. After signing the same, he shall desire the captain of the captured vessel to confirm the same in his own handwriting. Should he, however, refuse to sign the same, the Russian officer is to repeat his summons in presence of all the officers; and if on this it be again refused, and nobody will sign in lieu of the captain, he is then to add this circumstance, signed by himself. After this arrangement, the journal, list of the crew, passports, invoices, accounts, and all further papers respecting the views and pursuits of the voyage of the vessel, shall be put up in one parcel, as well as all private papers, viz., the journals of the officers, letters, &c., and sealed with the seals of the Russian officer, and those of the captain and first officer of the foreign vessel. This packet shall remain sealed with the Commander of the Russian vessel until their arrival at the port of St. Peter and Paul, where it shall be deposited in the Court as mentioned in 33. Besides this, everything else must be sealed by the Russian officer and the foreign captain that is not requisite for the continuation of the voyage to the port of St. Peter and Paul, excepting the effects for immediate and sole use of the ship's crew, which shall not be withheld from them.

28. Having thus fixed all means of precaution, the officer sent to arrest the foreign vessel shall make instantly his report to his chief and await his orders.

29. Thus, should, by any cause stated in the 2nd, 11th, 12th and 21st sections of these Regulations, a foreign vessel be subjected to confiscation in any port near the Settlement of the Russian-American Company, the Commander of that Settlement is obliged either to ask the assistance of the Russian man-of-war, if there be any, and the Commander of which, on the receipt of a written request, is obliged to arrest the vessel, and use all the precautions prescribed in the foregoing Article, or, if there be no Russian man-of-war in the harbour or its neighbourhood, and the Commander of the Settlement find that he and his people can arrest the vessel by themselves, he then is to act according to the 26th, 27th and 28th sections, and putting ashore the captain, and every means of getting the vessel away, he must endeavour as soon as possible to give information of this event either to the Governor of the Colonies of the Russian-

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American Company or the Commander of the Imperial man-of-war, if it be known where she lies.

30. When, in consequence of such a report, the Governor of the Colonies shall send the Company's vessel, or a Government vessel arriving, then the Commander of the place shall deliver up the vessel seized, and all belonging to her, and shall report respecting his reasons for confiscating the vessel.

31. The Commander of the vessel, taking charge of the seizure per inventory, shall examine immediately into all circumstances mentioned, and compare it with the accounts of the Commander of the Settlement, who will give every elucidation required.

32. All vessels detained by Russian men-of-war are ordered by these Regulations to be brought to the port of St. Peter and Paul, where the sentence is to be passed on them by a Court established for adjudging such cases.

33. This Court, under the presidency of the Commander of Kamchatka, shall consist of the three Senior Officers under him, and of the Commissioner of the Russian-American Company.

34. As soon as a Russian vessel, bringing into the port of St. Peter and Paul a foreign vessel arrested by her, has come to an anchor in the place assigned her, the commander of her is immediately to repair to the Commander of Kamchatka, stating briefly what vessel he had brought in, the number of the crew, and the sick, specifying their diseases, and reporting likewise whether the vessel has sufficient victuals, and what goods, guns, and other arms, powder, &c., are on board.

35. The Commander of Kamchatka, on receiving this report, will order two officers and a sufficient number of men on board the captured vessel.

36. These two officers, together with the officers who brought in the detained ship, when on board, are to summon the master and two of his mates or men in command next to him, inspect all the seals put on the vessel, and then, taking them off, begin immediately to make an accurate list of all the effects belonging to the vessel.

37. This list is to be signed by all the officers on both sides, who were present in drawing it up. The Commander of Kamchatka is to use all possible endeavours to secure from embezzlement or damage all the effects belonging to the detained vessel.

38. The crew of the vessel is then to be sent ashore to such places as shall be appointed by the Commander of Kamchatka, and remain there until the close of the investigation.

39. The Commander of the Russian vessel is obliged in the course of two days after his arrival at the port of St. Peter and Paul to make a minute representation to the Commander of Kamchatka of all that shall have happened at the detention of the foreign vessel brought in by him, and to deliver said vessel, together with the sealed packet containing her papers, expressed in 27.

40. If the Russian vessel that brought into the port of St. Peter and Paul a foreign vessel, cannot for reasons remain there until the close of the investigation, but be obliged to proceed to sea in a very short time, the Commander, in order not to detain her, shall use all possible dispatch by bringing forward the investigation of such points as may require the presence of the Russian vessel.

41. Having settled everything on board the arrested vessel and landed the crew, the Court immediately shall open the session, and endeavour to ascertain as soon as possible the solution of the inquiry, whether the vessel be lawfully arrested or not.

42. In order to ascertain this, the following proofs shall be substantiated:—

1. That the vessel was met with within the boundaries prescribed in 2 of these Regulations, and that her having been within such limits was not occasioned by reasons stated in 3.

2. That the vessel is a lawful prize by virtue of the 2, 11, 12, 14, and 21 of these Regulations, and the _____ of the Instructions to the Commander of the Russian man-of-war.

43. In order to decide either case, the Court is to inspect all documents presented, and tracing, on one part all proofs of guilt, and on the other, all doubts which might clear the foreign vessel, summon the Commanding Officer of the Russian vessel to give all additional information deemed needful, and completing thus all circumstances condemning the foreign vessel, the Court shall draw up a clear statement of the reason of her condemnation.

44. Should the Court, in making out said statement, find that the foreign vessel has been arrested without sufficient cause, said Court, on passing sentence, is to determine the damage suffered by such detention, and to furnish both parties with a certified copy of this resolution.

45. In the course of two days, both parties shall declare whether they are satisfied with the decision of the Court or not, and in the latter case (should it happen), assign it in writing.

46. Should both parties be satisfied with the decision of the Court, then the Commander of Kamchatka is to release immediately the detained vessel, returning everything to the master according to the inventory, along with the adjudged damages, exacting them from whomsoever is to pay the same.

47. If, on the contrary, the Court receive on the third day a repeal to its decision, it is bound to take that repeal into immediate consideration, and, finding it just, to change its decision, if not, to confirm the same, and make it known to the parties a second time. After this no representations shall be admitted, and both parties shall be summoned before the Court, which shall allow them to make their protest in writing, and will then state all the reasons why the sentence passed should be carried into execution.

48. If the Court find by the indictment that the vessel has been lawfully detained, then the master of the foreign vessel, or the two eldest in command under him, shall be summoned, and the reasons of their detention made known to them, giving them a certified copy of the condemnation.

49. The Court is to receive within three days, and no later, the representations of the master, and if he do not present the same within the time limited, the Court summoning him, with two of his crew, notifies that his silence is received as a mark of compliance, and that the condemnation is just.

50. In this case the Court comes to its final decision, which, on the following day, is communicated to the whole crew of the foreign vessel, who shall sign, all and every one, that such sentence has been made known to them, after which the Commander of Kamchatka is to carry the sentence of the Court into execution, as will be explained hereafter.

51. Should, however, the master deliver within the time limited his protest, then the Court, examining it with all possible impartiality, shall call for all further explanations, and, having inserted the whole into the journal of the Court, shall pass a final sentence, and pronounce it as stated in 47.

52. If, by sentence of the Court, the arrested vessel be released, and adjudged to receive damages for her detention, and if the vessel has been arrested by any of the Company's officers, and the damages are not above 5,000 roubles, the Commander of Kamchatka shall demand immediate payment of said sum from the office of the Russian-American Company, but if the damages exceed that sum, he is to notify it to the Company's office, and give to the foreign master a certificate; but the money cannot be paid by the Company otherwise than after the inspection and resolution of its Court of Directors. If, on the other hand, the foreign vessel has been detained unlawfully by a Russian man-of-war, the Commander of Kamchatka is to pay the adjudged damages (not exceeding the sum of 5,000 roubles) out of any Government sum, and to report, in order to incash it from the guilty, but if the damages should exceed the sum of 5,000 roubles, the Commander of Kamchatka is to furnish a certificate for the receipt of the money after the regulation and confirmation of the Russian Government.

53. The reimbursement of such damages as may have been incurred by unlawful detention shall be exacted from the Commander and all the officers of the man-of-war, who, having been called by the Commander to a council, shall have given their opinion that such a ship ought to be detained.

54. As soon as a foreign ship is sentenced to be confiscated, the Commander of Kamchatka is to make due arrangements for transporting the crew to Ochotsk, and from thence to any of the ports in the Baltic, in order to enable every one of them to reach his own country. With the confiscated ship and cargo, he is to act as with a prize, taken in time of war.

55. After this the Commander of Kamchatka shall order a Committee to value the vessel and her cargo. This Committee is to be composed of one member appointed by the Commander of Kamchatka, one by the Commander of the man-of-war, and a third by the Russian-American Company.

56. These Commissioners are to make up a specified list and valuation according to the following rules:—

1. All provisions, rigging, iron, powder, and arms shall be put down at such prices as they cost Government there.

2. All merchandize which might be used in Kamchatka and the Company's Colonies, and which are carried there at times from Russia, shall be valued at their prices then existing.

3. All goods which are not imported into these places from Russia, but are wanted there, shall be valued like goods brought from Russia, being the nearest to them, and in proportion to their wants.

4. All goods not in use at Kamchatka or the Colonies shall be sent to Irkutsk and sold at public auction by the proper authorities.

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57. The said Commissioners shall present their valuation to the Commander of Kamtchatka for his approbation, who, in case of not finding the same exact, shall return it, with his remarks, and shall appoint other officers to inspect such articles as may appear unfairly valued.

58. If the Commissioners hereafter continue in their opinion, and the Commander of Kamtchatka find it impossible to agree thereto, he shall provisionally consent and leave the final decision to Government.

59. According to this valuation the Commander of Kamtchatka shall mark, for the use of Government, all those articles which he thinks are wanted; the remainder is left at the disposal of the officers of the ship or of the Russian-American Company. The seized vessel shall be valued by the Court, and the valuation sent immediately to the Minister of the Navy, with a report whether such a vessel is wanted for Government service or not.

60. The whole sum of valuation of the confiscated vessel and cargo is to be divided in the following manner. The expenses necessary to forward the ship's crew to one of the ports in the Baltic are to be deducted, and the remaining sum divided, if the vessel has been taken by the Russian-American Company's officers, and carried to the port of St. Peter and Paul by a ship of said Company, without the interference of a man-of-war, into five parts, of which one goes to the Government, and the remaining four-fifths to the Russian-American Company. If the vessel be taken in any of the Company's Settlements by the Company's officers, but brought to the port of St. Peter and Paul by a man-of-war, after deducting one-fifth for Government, two-fifths are to belong to the crew of the man-of-war, and the remaining two-fifths to the Russian-American Company, and finally, if such foreign vessel be detained by men-of-war only without the assistance of the Company's officers, then after deducting one-fifth for Government, the remainder is left to the officers of the men-of-war.

But if a vessel be taken by the conjoint forces of a man-of-war and a Company's vessel, then the prize shall be divided between them in proportion to their strength, regulating the same according to the number of guns.

61. The sum coming to the officers of the man-of-war shall be divided according to the Rules for dividing prizes in time of war. In all cases, officers who had a share in seizing foreign vessels convicted of the intention of infringing the privileges most graciously granted to the Russian-American Company, may expect to receive tokens of His Imperial Majesty's approbation, especially when, after deducting the expenses for conveying the crew, their part in the prize money should prove but trifling.

62. If a foreign vessel detained by a Russian being under the command of a Russian officer should be cast away before reaching the port of St. Peter and Paul, the following principle shall be observed :—

If the foreign vessel alone be lost, and the Russian accompanying her arrive at the port of St. Peter and Paul, then the Court acts according to the foregoing Rules to determine whether that vessel was lawfully seized. In this case Government takes upon itself the expenses of conveying to a port of the Baltic such of the ship's crew as were saved. But if such a vessel should not be proved to have been detained lawfully, then independent of those expenses, the ship shall be valued, and such valuation forwarded to Government for the payment of what may be deemed just; at the same time investigation shall be made on the loss of the vessel, and the officer that had the command (if saved) is to be tried according to the maritime Rules and Regulations.

63. The Commander of Kamtchatka is bound to make a special Report to the Governor General of Siberia respecting every circumstance happening to foreign vessels, annexing copies of all documents, journals, and sentences of the Court, and of all papers relating thereunto.

The original is signed :

COUNT D. GURIEFF,
Minister of Finances.

Edict of His Imperial Majesty, Autocrat of All the Russians.

The Directing Senate maketh known to all men :

Whereas, in an Edict of His Imperial Majesty issued to the Directing Senate on the 4th day of September, and signed by His Imperial Majesty's own hand, it is thus expressed :—

"Observing from Reports submitted to us that the trade of our subjects on the Aleutian Islands and on the north-west coast of America appertaining unto Russia, is subjected, because of secret and illicit traffic, to oppression and impediments, and finding that the principal cause of these difficulties is the want of Rules establishing the boundaries for navigation along these coasts, and the order of naval communication

as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations, which are hereto attached.

"In forwarding these Regulations to the Directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution."

(Countersigned) **COUNT D. GURIEFF,**
Minister of Finances.

It is therefore decreed by the Directing Senate that His Imperial Majesty's Edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

(L.S.)

The original signed by the Directing Senate.

Printed at St. Petersburg, in the Senate, September 7, 1821.

**TREATY CONCERNING THE CESSION OF THE RUSSIAN POSSESSIONS
IN NORTH AMERICA BY HIS MAJESTY THE EMPEROR OF
ALL THE RUSSIAS TO THE UNITED STATES OF
AMERICA.**

(Concluded March 30, 1867; ratifications exchanged June 20, 1867; proclaimed June 20, 1867.)

[Translation.]

Sa Majesté l'Empereur de toutes les Russies et les Etats-Unis d'Amérique, désirant raffermir, s'il est possible, la bonne intelligence qui existe entre eux, ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir: sa Majesté l'Empereur de toutes les Russies, le Conseiller Privé, Edouard de Stoeckl, son envoyé extraordinaire et ministre plénipotentiaire aux Etats-Unis; et le Président des Etats-Unis, le Sieur William H. Seward, Secrétaire d'Etat, lesquels, après avoir échangé leur pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivants:

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: The President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:—

ARTICLE I.

Sa Majesté l'Empereur de toutes les Russies s'engage, par cette convention, à céder aux Etats-Unis, immédiatement après l'échange des ratifications, tout le Territoire avec droit de souveraineté actuellement possédé par Sa Majesté sur le continent d'Amérique ainsi que les îles contiguës, le dit Territoire étant compris dans les limites géographiques ci-dessous indiquées, savoir: la limite orientale est la ligne de démarcation entre les possessions Russes et Britanniques dans l'Amérique du Nord, ainsi qu'elle est établie par la convention, conclue entre la Russie et la Grande-Bretagne, le 16-28 Février, 1825, et définie dans les termes suivants des Articles III et IV de la dite convention.

"A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54^{me} degré 40 minutes de latitude nord, et entre le 131^{me} et le 133^{me} degré de longitude ouest (méridien de Greenwich) la dite ligne remontera, au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme où elle atteint le 56^{me} degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte jusqu'au point d'intersection 141^{me} degré de longi-

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28-16, 1825, and described in Articles III and IV of said convention, in the following terms:—

"Commencing from the southernmost point of the Island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains

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tude ouest (même méridien) et finalement du dit point d'intersection la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique nord-ouest.

"IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'article précédent :

"1° Que l'île dite Prince of Wales, appartenra toute entière à la Russie;" (mais dès ce jour en vertu de cette cession aux Etats-Unis).

"2° Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest se trouverait à la distance de plus de dix lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie" (c'est-à-dire la limite des possessions cédées par cette convention) : "sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de dix lieues marines."

La limite occidentale des territoires cédés passe par un point ou détroit de Behring sous la parallèle du soixante-cinquième degré trente minutes de latitude Nord à son intersection par le méridien qui sépare à distance égale les îles Krusenstern ou Ignalook et l'île Ratmanoff ou Noonarhook et remonte en ligne directe, sans limitation, vers le Nord, jusqu'à ce qu'elle se perde dans la mer Glaciale. Commencant au même point de départ, cette limite occidentale suit de là un cours presque Sud-ouest, à travers le détroit de Behring et la mer de Behring, de manière à passer à distance égale entre le point Nord-ouest de l'île Saint Laurent et le point Sud-est du cap Choukotski jusqu'au méridien cent soixante-deuxième de longitude Ouest; de ce point, à partir de l'intersection de ce méridien, cette limite suit une direction Sud-ouest de manière à passer à distance égale entre l'île d'Attou et l'île Copper du groupe d'îlots Kormandorski dans l'océan Pacifique Septentrional jusqu'au méridien de cent quatre-vingt-treize degrés de longitude Ouest, de manière à enclaver, dans le Territoire cédé toutes les îles Aléoutiques situées à l'est de ce méridien.

ARTICLE II.

Dans le Territoire cédé, par l'article précédent à la Souveraineté des Etats-Unis sont compris le droit de propriété sur tous les terrains et places publiques, terres inoccupées, toutes les constructions publiques, fortifications, casernes et autres édifices qui ne sont pas propriété privée individuelle. Il est toutefois entendu et convenu que les églises construites par le Gouvernement Russe sur le Territoire cédé resteront la propriété des membres de l'Eglise Grecque Orientale résidant dans ce Territoire et appartenant à ce culte. Tous les archives, papiers, et documents du Gouvernement ayant trait au susdit Territoire et qui y sont maintenant déposés seront placés entre les mains de l'agent des Etats-Unis; mais les Etats-Unis fourniront toujours quand il y aura lieu des copies légalisées de ces documents au Gouvernement Russe, aux officiers ou sujets Russes qui pourront en faire la demande.

situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, of the same meridian; and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st.—That the island called Prince of Wales Island shall belong wholly to Russia;" (now, by this cession, to the United States).

"2d.—That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarhook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly south-west, through Behring's Straits and Behring's Sea, so as to pass midway between the north-west point of the island of St. Lawrence and the south-east point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence from the intersection of that meridian, in a south-westerly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

ARTICLE II.

In the cession of territory and dominion made by the preceding article, are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed that the churches which have been built in the ceded territory by the Russian Government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any Government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian Government, or to such Russian Officers or subjects, as they may apply for.

ARTICLE III.

Il est réservé aux habitants du Territoire cédé le choix de garder leur nationalité et de rentrer en Russie dans l'espace de trois ans; mais s'ils préfèrent rester dans le territoire cédé ils seront admis, à l'exception toutefois des tribus sauvages à jour de tous les droits, avantages et immunités des citoyens des Etats-Unis et ils seront maintenus et protégés dans le plein exercice de leur liberté, droit de propriété et religion. Les tribus sauvages seront assujéties aux lois et règlements que les Etats-Unis pourront adopter de temps en temps à l'égard des tribus aborigènes de ce pays.

ARTICLE IV.

Sa Majesté l'Empereur de toutes les Russies nommera aussitôt que possible un agent ou des agents chargés de remettre formellement à l'agent ou aux agents nommés par les Etats-Unis, le territoire, la souveraineté, les propriétés, dépendances, et appartenances ainsi cédées et de dresser tout autre acte qui sera nécessaire à l'accomplissement de cette transaction. Mais la cession, avec le droit de possession immédiate, doit toutefois être considérée complète et absolue à l'échange des ratifications sans attendre la remise formelle.

ARTICLE V.

Immédiatement après l'échange des ratifications de cette convention, les fortifications et les postes militaires qui se trouveront sur le territoire cédé seront remis à l'agent des Etats-Unis et les troupes Russes qui sont stationnées dans le dit Territoire, seront retirées dans un terme praticable et qui puisse convenir aux deux parties.

ARTICLE VI.

En considération de la susdite cession les Etats-Unis s'engagent à payer à la Trésorerie à Washington, dans le terme de dix mois après l'échange des ratifications de cette convention, sept millions deux cent mille de dollars en or, au Représentant diplomatique ou tout autre agent de Sa Majesté l'Empereur de toutes les Russies dûment autorisé à recevoir cette somme. La cession du territoire avec droit de souveraineté faite par cette convention, est déclarée libre et déchargée de toutes réservations, privilèges, franchises ou des possessions par des compagnies Russes ou tout autre légalement constitués ou autrement ou par des associations sauf simplement les propriétaires possédant des biens privés individuels et la cession ainsi déclarée tous les droits, franchises et privilèges appartenant actuellement à la Russie dans le dit Territoire et ses dépendances.

ARTICLE VII.

Lorsque cette convention aura été dûment ratifiée par Sa Majesté l'Empereur de toutes les Russies d'une part et par le Président des Etats-Unis avec l'avis et le consentement du Sénat de l'autre, les ratifications en seront échangées à Washington dans le terme de trois mois, à compter du jour de la signature, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé cette convention et y ont apposé le sceau de leur armes.

Fait à Washington le 18-30 jour de Mars de l'an de Notre-Seigneur mil huit cent soixante-sept.

[L.S.] EDOUARD DE STOECKL.
[L.S.] WILLIAM H. SEWARD.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

His Majesty the Emperor of all the Russias shall appoint, with convenient dispatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on exchange of ratifications, without any such formal delivery.

ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory, shall be delivered to the agent of the United States, and any Russian troops which may be in the territory, shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of His Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties except merely private individual property holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[L.S.] WILLIAM H. SEWARD.
[L.S.] EDOUARD DE STOECKL.

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FROM WILLIAM H. DALL, UNITED STATES COAST AND GEODETIC
SURVEY, TO DR. G. M. DAWSON, OF THE GEOLOGICAL SURVEY
OF CANADA.

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,

WASHINGTON, April 24, 1884.

MY DEAR SIR,—Your note is received. I am glad you are pleased with the map. In regard to the Dease Lake region, I have the 1875 map, but the maps of that region are so contradictory that I thought it was best to take the river, &c., from the Western Union Telegraph Surveys and so have all that part uniform, especially as the map of 1875 bears internal evidence of being a mere sketch. Hunter's map, the Russian maps, the Blake maps, and the 1875 maps, differ in the most extraordinary way among themselves. New surveys are needed.

The matter of the boundary should be stirred up. The language of the treaty of 1825 is so indefinite that were the region included for any cause to become suddenly of evident value, or if any serious international question were to arise regarding jurisdiction, there would be no means of settling it by the treaty. There being no natural boundary and the continuous range of mountains parallel to the coast shown on Vancouver's charts like a long caterpillar, having no existence as such, the United States would undoubtedly wish to fall back on the 'line parallel to the windings of the coast and which shall never exceed the distance of ten marine leagues therefrom' of the treaty. It would of course be impracticable to trace any such winding line over that 'sea of mountains.' I should think that the bottom of the nearest valley parallel to the coast might perhaps be traced and its stream form a natural boundary; even then it would be difficult to determine the line between one valley and the next. Before the question has attained any importance, it should be referred to a committee of geographers, a survey should be made and a new treaty should be made stating determinable boundaries. Perhaps at some time you may be able to set the ball in motion on your side, and it would be only a matter of time when it would follow here.

Yours very truly,

WM. H. DALL.

THE EARL OF IDDESLEIGH TO MR. PHELPS.

FOREIGN OFFICE, August 27, 1886.

SIR,—In the note which you addressed to the Marquess of Salisbury on January 19 last, you requested that you might be furnished with a copy of the map of the Dominion of Canada, geologically coloured, from surveys made by the Geological Corps, 1842-82, alluded to in Mr. Bayard's statement of November 20, 1885, with reference to the question of the Alaska frontier.

In forwarding to you a copy of the map in question, I have the honour to invite your attention to the fact, that the Alaska Boundary line shown therein is merely an indication of the occurrence of such a dividing line somewhere in that region. It will, of course, be clearly understood that no weight could attach to the map location of the line now denoted, inasmuch as the Convention between Great Britain and Russia of February 28, 1825, which defines the line, making its location dependent on alternative circumstances, the occurrence, or the non-occurrence, of mountains, and, as is well known to all concerned, the country has never been topographically surveyed.

Her Majesty's Government therefore feel that they are bound distinctly to disavow the recognition of the correctness of the line shown on the addition of the map in question, forwarded herewith, as the boundary line between the Province of British Columbia and Alaska.

I am, &c.,

(Signed) IDDESLEIGH.

No. 14.

FOREIGN OFFICE TO COLONIAL OFFICE.

FOREIGN OFFICE, August 2, 1887.

SIR,—In reply to your letter of the 11th ultimo, I am directed by the Marquis of Salisbury to transmit to you a draft of a despatch which his Lordship proposes to address to Her Majesty's Minister at Washington in regard to Lieut. Schwatka's Report of the reconnaissance made by him in Alaska in 1883.*

I am to request that, in laying the same before Sir H. Holland, you will move him to inform Lord Salisbury whether he concurs in its terms.

I am, &c.,

(Signed) JULIAN PAUNCEFORT.

*Not printed.

No. 15.

COLONIAL OFFICE TO FOREIGN OFFICE. (RECEIVED AUGUST 20.)

DOWNING STREET, August 19, 1887.

SIR,—I am directed by Sir Henry Holland to acknowledge the receipt of your letter of the 2nd instant, and to state that he concurs in the terms of the communication which the Marquis of Salisbury proposes to address to the United States Government with reference to Lieutenant Schwatka's Report on his reconnaissance in Alaska.

The enclosure to your letter is returned herewith.

I am, &c.,
(Signed) R. H. MEADE.

No. 16.

THE MARQUIS OF SALISBURY TO SIR L. WEST.

(No. 206.)

FOREIGN OFFICE, August 20, 1887.

SIR,—With reference to your despatch No. 14 of the 19th January last, and to previous correspondence relating to the question of the boundary between Alaska and British Columbia, I transmit, for your information, copies of a letter from the Colonial Office, with its enclosures, calling attention to certain points in the Report made by Lieutenant Schwatka, of the United States Army, of a reconnaissance made by him in Alaska in 1883, of which a copy accompanied your despatch No. 113 of the 20th April, 1886.

You will notice, as is pointed out in this correspondence, that in the wording of the resolution adopted by the United States Senate on the 18th April, 1884, the reconnaissance is described as extending from 'Chilkoot Inlet, Alaska, to Fort Selkirk, on Yukon River, Alaska.'

But, as is shown in sheet 5 attached to Lieutenant Schwatka's Report, Part II. of the Map of the routes followed by him extends 'from Fort Selkirk, B.C., to Fort Yukon, Alaska' (B.C. standing for British Columbia); and at p. 33 of his Report the latitude and longitude of the site of Fort Selkirk is given as 62° 45' 30" north, and 137° 22' 45" west, which is well within the territory belonging to this country, which extends as far as 141° west.

It will also be seen, on referring to pages 20 and 47 of the Report, that Lieutenant Schwatka has indicated two points, viz., Perrier's Pass and 140° west longitude, which he has determined as defining the international boundary.

Her Majesty's Government, as you are aware, have agreed in principle to take part in a preliminary investigation of the Alaska boundary question, but they are not prepared to admit that the points referred to by Lieutenant Schwatka in any way fix where the line should be drawn.

Lieutenant Schwatka, in the course of his military reconnaissance in Alaska, appears to have traversed British territory for a considerable distance; but, so far as Her Majesty's Government are aware, no intimation of such a desire on his part was conveyed to any of the British authorities. They do not attach any importance to this fact, and no doubt, had their acquiescence been asked, it would not have been refused.

Her Majesty's Government have no desire at the present moment to raise any discussion in regard to the question of the boundary between Alaska and British Columbia; but in order that it may not be prejudiced hereafter by absence of remark on their part on the lines alluded to above, I request that you will in a friendly manner call Mr. Bayard's attention to the observations contained in this despatch.

I am, &c.,
(Signed) SALISBURY.

No. 17.

SIR L. WEST TO THE MARQUIS OF SALISBURY. (RECEIVED SEPTEMBER 27.)

WASHINGTON, September 15, 1887.

(No. 207.)

MY LORD,—In obedience to the instructions contained in your Lordship's despatch No. 206 of the 20th ultimo, I have called the attention of Mr. Bayard to the observations therein contained on Lieutenant Schwatka's Report of a military reconnaissance in Alaska in a note and memorandum, copies of which I have the honour to enclose herewith.

I have, &c.,
(Signed) L. M. SACKVILLE WEST.

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Enclosure 1 in No. 17.

SIR L. WEST TO MR. BAYARD.

WASHINGTON, September 14, 1887.

SIR,—I have the honour to enclose to you herewith a Memorandum calling the attention of the United States Government to certain points in the Report made by Lieutenant Schwatka, of the United States Army, of a reconnaissance made by him in Alaska, and to observe at the same time that he traversed British territory for a considerable distance without any intimation having been given to the British authorities of his intention of so doing.

I may add, however, that Her Majesty's Government do not attach any importance to this fact, and that no doubt had their acquiescence been asked it would not have been refused.

I have, &c.,
(Signed) L. S. SACKVILLE WEST.

Enclosure 2 in No. 17.

MEMORANDUM.

In the wording of the Resolution adopted by the United States Senate on the 18th April, 1884, the reconnaissance of Lieutenant Schwatka is described as extending from 'Chilkoot Inlet, Alaska, to Fort Selkirk, on Yukon River, Alaska.' But, as is shown in sheet 5 attached to Lieutenant Schwatka's Report, Part 2 of the Map of the routes followed by him extends from Fort Selkirk, B.C. (standing for British Columbia); and at page 33 of his Report the latitude and longitude of Fort Selkirk is given as 62° 45' 30" north and 137° 22' 45" west, which is well within the territory belonging to Great Britain, which extends as far as 141° west.

It will also be seen, on referring to pages 20 and 47 of the Report, that Lieutenant Schwatka has indicated two points, viz., Perrier Pass and 141° west longitude, which he has determined as defining the international boundary.

Although Her Majesty's Government have agreed in principle to take part in a preliminary investigation of the Alaska boundary question, they are not prepared to admit that the points referred to by Lieutenant Schwatka in any way fix where the line should be drawn.

It is not sought to raise any discussion at the present moment in regard to the position of the boundary between Alaska and British Columbia; but in order that it may not be prejudiced hereafter by absence of remark on the points alluded to above, Her Majesty's Government have thought it expedient to call the attention of the United States Government to the foregoing observations.

No. 4.

COLONIAL OFFICE TO FOREIGN OFFICE. (RECEIVED AUGUST 22.)

DOWNING STREET, August 21, 1888.

SIR,—I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter from the High Commissioner for Canada, covering a communication from Sir J. A. Macdonald respecting a proposal to obtain from the United States Government a concession of certain privileges on that part of Alaska which is claimed by this country.

Lord Knutsford desires me to suggest, for the consideration of Lord Salisbury, that the United States Government might be informed that this report has reached Her Majesty's Government, and that it is presumed to be unfounded, as the territory in question is part of Her Majesty's dominions.

I am, &c.,
(Signed) JOHN BRAMSTON.

Enclosure 1 in No. 4.

SIR C. TUPPER TO COLONIAL OFFICE.

9, VICTORIA CHAMBERS, WESTMINSTER, August 1, 1888.

SIR,—I have the honour to ask that you will be so good as to move Lord Knutsford to bring under the notice of the Marquess of Salisbury the inclosed correspondence which I have received from Sir John A. Macdonald.

I add a memorandum upon the same subject prepared by Major-General D. B. Cameron, R.A., C.M.G., who is familiar with, and has previously reported upon, the question of the British-Alaskan boundary.

I entirely concur in the great importance of protesting against the United States contention.

I have, &c.
(Signed) CHARLES TUPPER.

Enclosure 2 in No. 4.

SIR J. MACDONALD TO SIR C. TUPPER.

DALHOUSIE, July 18, 1888.

MY DEAR SIR CHARLES,—I send you a note from Burgess, which speaks for itself. As Sir Lionel says that the Foreign Office disapproves of communications from Ottawa to Washington direct, perhaps you may think it well to call Lord Salisbury's attention to Burgess' suggestion.

Yours faithfully,
(Signed) JOHN A. MACDONALD.

Enclosure 3 in No. 4.

MR. BURGESS TO SIR J. MACDONALD.

DEPARTMENT OF THE INTERIOR, OTTAWA, CANADA, June 19, 1888.

DEAR SIR JOHN,—Captain Moore, of Victoria, British Columbia, who was for some time a member of Ogilvie's expedition to the Yukon, has reported to the Government of British Columbia that he believes certain persons are about to receive a charter from the Alaskan authorities to construct a trail from Lynn Canal by way of White Pass to the interior of Alaska. If our view of the case is correct, the entire route of this trail, as well as the trail by the Chilkoot Pass, is in Canadian territory. In view of the well-based contention on our part, that the heads of the larger inlets which penetrate that portion of Alaska which consists of the coast line from Mount St. Elias to Portland Channel, and more particularly the head of Lynn Canal, are within our territory, it would appear to be important to protest against the granting of any rights by the United States or Alaskan Governments at the heads of these inlets.

Would it not be well to communicate confidentially with the British Minister at Washington, asking him to inform the Government of Canada in case he finds that either the United States or Alaskan authorities are granting or proposing to grant privileges of the kind mentioned.

You might, perhaps, think it proper to refer this matter to the Minister of Justice, who is well acquainted with the whole case.

Yours, &c.,
(Signed) A. M. BURGESS.

Enclosure 4 in No. 4.

MEMORANDUM.

By way of Lynn Canal, of which the entrance is about 135° west longitude, 58° 20' north latitude, is at present the only practical route to gold mines being worked on tributaries of the Pelly river, some in British and some in United States territory.

The northern extremity of Lynn Canal forks—the western and eastern branches being formed respectively by the inflow of the Chilkat and Chilkoot rivers.

The route hitherto followed by miners entering the country has been by the valley of the Chilkoot—across the height of land called Perrier or Payer portage.

The ascent to the portage is extremely tedious, but once overcome there is gained navigable water connected with the Pelly river and the Yukon river. Lieutenant Schwatka noted Perrier portage as the point at which the boundary between United States and British territory passed, the United States territory lying seaward, the British territory inland. Lieutenant Schwatka had been employed to make a reconnaissance in Alaska, but finding that country most accessible through Lynn Canal continued his exploration down the Pelly river in British territory, until it passed the meridian of 141° west longitude into United States territory. Lieutenant Schwatka's report was published as a Congressional paper.

It is not known that there has been any other official claim to Perrier Pass as the point at which the international boundary runs.

From the ocean entrance to Lynn Canal, the head of boat navigation up the Chilkoot is about 80 miles; from this point to Perrier Pass is somewhat in excess of 30 miles, or 10 marine leagues.

Lynn Canal has waterways of less than 6 miles in breadth at no great distance from its entrance.

It is contended on the Canadian side that the 10 marine leagues given as the maximum breadth of United States coast territory in the second sub-section of Article IV. Russo-British Convention of 1825, may not be measured from any point within an inlet not exceeding 6 miles in breadth, and that, consequently, it is not, under any circumstances, possible that the international boundary can be anywhere so far inland as Perrier Pass.

To avoid the inconvenience of the ascent to the Perrier portage, a diverging route called White Pass, a little to the eastward of Perrier Pass route, has recently been explored.

Speculators interested in the gold mines in the interior, and in transit of miners and their goods, have for some time had their attention turned to the desirability of opening up the White Pass route.

The greater part, if not all, of this divergent line is, it is contended, within British territory, and as affecting the principles which are ultimately to determine the whole of the British-Alaskan boundary, as well as seriously affecting a British route which may hereafter, with advantage of the greatest importance, be opened through the Taku river valley, it is submitted that the United States contention should be emphatically protested against.

No. 5.

(No. 207.)

THE MARQUIS OF SALISBURY TO SIR L. WEST.

FOREIGN OFFICE, August 31, 1888.

SIR,—With reference to your despatch, No. 20, of the 20th January last, I transmit, for your information, a copy of a letter addressed to the Colonial Office by Sir Charles Tupper, the High Commissioner for Canada, enclosing a correspondence he had received from the Canadian Premier relative to a rumour that a Charter is about to be granted by the Alaskan authorities of the United States for certain privileges in that part of Alaska which is claimed by this country.

I have to request that you will inform Mr. Bayard that this report has reached Her Majesty's Government, and that it is presumed to be unfounded, as the territory in question is part of Her Majesty's dominions.

I am, &c.,

(Signed),

SALISBURY.

No. 6.

FOREIGN OFFICE TO COLONIAL OFFICE.

FOREIGN OFFICE, August 31, 1888.

SIR,—In reply to your letter of the 21st instant, I am directed by the Marquess of Salisbury to transmit to you, to be laid before Secretary Lord Knutsford, a copy of a despatch to Her Majesty's Minister at Washington, instructing him to call the attention of the United States Government to the rumour which has reached the Dominion Government of an intended grant of a charter by the Alaskan authorities of the United States for certain privileges in that part of Alaska which is claimed by this country.

I am, &c.,

(Signed),

P. CURRIE.

No. 7.

SIR L. WEST TO THE MARQUESS OF SALISBURY. (RECEIVED OCTOBER 9.)

(No. 309.)

BEVERLY (Massachusetts), September 21, 1888.

MY LORD,—With reference to Your Lordship's despatch, No. 207, of the 31st ultimo, I have the honour to enclose herewith to Your Lordship, copy of a note which I addressed to the Secretary of State, as well as copy of his reply thereto, on the subject of a charter which it is said is about to be granted by the authorities in Alaska for certain privileges in territory claimed by Great Britain.

I have, &c.,

(Signed),

L. S. SACKVILLE WEST.

Enclosure 1 in No. 7.

SIR L. WEST TO MR. BAYARD.

BEVERLY (Massachusetts), September 10, 1888.

SIR,—I have the honour to inform you that the Marquess of Salisbury has requested me to bring to your notice a rumour which has reached Her Majesty's Government that a charter is about to be granted by the authorities of Alaska for certain privileges in a part of that country which is claimed by Great Britain.

Her Majesty's Government presume that this rumour is unfounded, as the territory in question is part of Her Majesty's dominions.

I have, &c.,

(Signed), L. S. SACKVILLE WEST.

Enclosure 2 in No. 7.

MR. BAYARD TO SIR L. WEST.

DEPARTMENT OF STATE, WASHINGTON, September 15, 1888.

SIR,—I have the honour to acknowledge the receipt of your note of the 10th instant, in which, at the request of the Marquess of Salisbury, you bring to my notice a rumour which has reached Her Majesty's Government that a charter is about to be granted by the authorities in Alaska for certain privileges in territory claimed by Great Britain. The rumour to which you refer is, as stated by you, certainly vague and indefinite, and has not come to the notice of this Department, which is wholly without information in regard to the granting of such a charter as you mention, or to the locality of the territory to which it is said to apply.

A copy of your note will at once be transmitted to the Secretary of the Interior.

I have, &c.,

(Signed), T. F. BAYARD.

No. 8.

SIR L. WEST TO THE MARQUESS OF SALISBURY. (RECEIVED OCTOBER 12.)

(No. 317.)

BEVERLY (Massachusetts), September 29, 1888.

MY LORD,—With reference to my despatch, No. 309, of the 21st instant, I have the honour to enclose to Your Lordship herewith a further note which I have received from the Secretary of State on the subject of the proposed grant of certain privileges to the Alaska Company.

I have, &c.,

(Signed), L. S. SACKVILLE WEST.

Enclosure in No. 8.

MR. BAYARD TO SIR L. WEST.

DEPARTMENT OF STATE, WASHINGTON, September 25, 1888.

SIR,—In further reply to your note of the 10th instant, relating to a rumour which had reached Her Britannic Majesty's Government to the effect that a charter was about to be granted by the authorities in Alaska for certain privileges in territory claimed by Great Britain, I have the honour to inform you that the Department is in receipt of a communication from the Secretary of the Interior, to whom your enquiry was referred, to the effect that the Department of the Interior has no information as to any proposed action of the character described.

I have, &c.,

(Signed), T. F. BAYARD.

EXTRACT FROM A LETTER ADDRESSED BY THE SUPERINTENDENT
OF THE UNITED STATES COAST AND GEODETIC SURVEY TO THE
HON. THE SECRETARY OF THE TREASURY, DATED SEPTEMBER
25, 1888.

Pending the action of Congress upon the appropriations, there has of course been no formulation nor approval of plans or projects for such preliminary survey. For reasons, however, which are rendered sufficiently apparent by the contents of the Senate Ex. Doc. No. 143, 49th Congress, 1st Session, it is obvious that, except as to a portion of the frontier line which is coincident with the meridian line of the 141st degree of west longitude, it would be impossible for a survey to definitely and authoritatively locate the boundary or frontier line. From some informal discussion of the matter, it is understood that the Hon. Secretary of State will be likely to require that the preliminary survey shall among other things accurately establish in latitude and longitude and permanently mark such a number of accessible points at certain distances from the coast or along certain mountain summits as, together with such topographical reconnaissance as may be practicable, will afford the geographical information requisite to the proper negotiation of a treaty establishing the boundary. To obviate during such negotiations all controversy as to the accuracy of such geographical information, it would seem desirable that both parties should be represented in the operations of the preliminary survey by competent surveyors and astronomers, whose concurrence in the determination of points in latitude and longitude and in the delineation of topographical features would ensure acceptance of their work by the negotiators and avert one possible occasion of controversy and delay in the conclusion of a boundary treaty.

The interval of six months or more which under existing conditions must elapse before it will be practicable to place our surveying parties in the field in Alaska, would doubtless enable the Canadian Government to arrange and equip three or four surveying parties to meet our parties at some rendezvous on the Pacific coast in April next, and join in a rapid prosecution of such preliminary survey. The desired result might be as well accomplished, though at disproportionately small expense for the Canadian Government by the detailing of a single Canadian surveyor and astronomer to accompany each of our full parties, of which there will probably be four.

Except as it may be necessarily interrupted by climatic or other causes, it is expected that the survey, once begun, will be continuously prosecuted, and that the parties will not return from Alaska until its completion within three or probably two years from the actual commencement of work in the field.

LETTER ADDRESSED BY THE SUPERINTENDENT OF THE UNITED
STATES COAST AND GEODETIC SURVEY TO THE HONOURABLE
THE MINISTER OF THE INTERIOR OF CANADA.

WASHINGTON, 14th December, 1888.

SIR,—Some time ago in response to an inquiry from this office, Mr. G. M. Dawson, of the Geological and Natural History Survey of Canada, referred me to you as the proper official with whom to communicate directly and informally in relation to a subject upon which some time may possibly be saved by anticipating the result of formal correspondence between the Government of the United States and that of Great Britain.

At its last session Congress made an appropriation with which to begin the work of a preliminary survey of the frontier line between Alaska and British Columbia and assigned the work to this survey. The appropriation, however, became available at too late a date to permit anything except the task of preparation to be undertaken before next spring. It is obvious that—except as to a portion of the frontier line which is coincident with the meridian line of the 141st degree of west longitude—it would be impossible for a survey to definitely and authoritatively locate the boundary or frontier line. From some informal discussion of the matter it is understood that the Hon. Secretary of State will be likely to require that the preliminary survey shall, among other things, accurately establish in latitude and longitude and permanently mark such a number of accessible points at certain distances from the coast or along certain mountain summits as, together with such topographical reconnaissance as may be practicable will afford the geographical information requisite to the proper negotiation of a treaty establishing a boundary. To obviate during such negotiation, all controversy as to the accuracy of such geographical information it would seem to be desirable that both parties to the negotiation should be represented in the operations of the preliminary survey, by competent surveyors and astronomers whose concurrence, in the determination of points in latitude and longitude and in the delineation of topographical features, would ensure acceptance of their work by the negotiators and avert one possible occasion of controversy and delay in the conclusion of a boundary treaty. The interval of four months or

more which, under existing conditions, must elapse before it will be practicable to place our surveying parties in the field, in Alaska, would doubtless enable the Canadian Government to arrange and equip three or four surveying parties to meet our parties at some rendezvous on the Pacific coast, in April next, and join in a rapid prosecution of such preliminary survey. The desired result might as well be accomplished, though at disproportionately small expense for the Canadian Government, by the detailing of a single Canadian surveyor and astronomer to accompany each of our full parties of which there will probably be four. Except as it may be necessarily interrupted by climatic or other causes, it is expected that the survey, once begun, will be continuously prosecuted and that the parties will not return from Alaska until its completion within three years, and probably two years from the actual commencement of the work in the field.

In view of the foregoing considerations it is understood that the expediency of such joint action by surveyors, &c., of the two governments as is above outlined, has been made the subject of correspondence between the two governments.

I have ventured to bring the matter to your attention now inasmuch as the shortening of the time prior to the opening of the working season renders it desirable that all the interval should be rendered available to you for provisional or contingent selection of surveyors, &c., in anticipation of the formal action of your government which it is hoped may be favourable to such joint work by the surveyors and astronomers of both governments.

Any expression of your views in the premises, with which you deem it proper to favour me, will be duly appreciated by

Very respectfully,

Your obedient servant,

F. M. THORN,
Superintendent.

HON. E. DEWDNEY,
Minister of the Interior,
Dominion of Canada,
Ottawa.

No. 1.

COLONIAL OFFICE TO FOREIGN OFFICE (RECEIVED MAY 6).

DOWNING STREET, May 5, 1891.

SIR,—I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor General of Canada, with its enclosure, requesting that the Government of the United States may be reminded that some difference of opinion exists as to the marking of the boundary line between Alaska and British Columbia, which can only properly be determined by an International Commission; and I am to suggest for Lord Salisbury's consideration, that a communication should be addressed to the Government of the United States in the sense indicated by the Government of the Dominion.

I am, &c.,

JOHN BRAMSTON.

Enclosure in No. 1.

LORD STANLEY OF PRESTON TO LORD KNUTSFORD.

GOVERNMENT HOUSE, OTTAWA, April 17, 1891.

MR LORD,—I have the honour to forward herewith a copy of an approved Minute of the Privy Council calling attention to an extract from the Report of the United States Coast and Geodetic Survey with reference to the marking of the boundary line between Alaska and British Columbia, and requesting that the United States Government may be reminded that some difference of opinion exists as to this boundary which can only be properly determined by an International Commission.

I have, &c.,

STANLEY OF PRESTON.

Enclosure 2 in No. 1.

REPORT OF A COMMITTEE OF THE HONOURABLE THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL ON THE 15TH APRIL, 1891.

On a report dated the 18th March, 1891, from the Minister of the Interior, stating that his attention has been called to the fact that in the last published report of the United States Coast and Geodetic Survey the Director says, page 3:—

"By recent Congressional enactment a preliminary survey of the frontier line between Alaska and British Columbia, in accordance with plans or projects approved by

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the Secretary of State, has been placed in charge of this Bureau. Such a preliminary survey, involving the determination of a number of points in geographical position, and their complete marking by permanent monuments, will have to be carried from Cape Mazon, through the *Portland Canal*, to the 50th degree of north latitude, thence north-westerly, following, as nearly as may be practicable, the general trend of the coast, at a distance of about 35 miles from it, to the 141st degree of west longitude, and thence due north to the Arctic Ocean, a total distance of about 1,400 miles."

The Minister recommends that the necessary steps be taken to call the attention of the Government of the United States to the fact that the question of the boundary at this point is, at the present time, the subject of some difference of opinion and of considerable correspondence, and he recommends that steps be taken to point out to the Government of the United States that the actual boundary line can only be settled by an International Commission.

The committee concurring, in the above, advise that Your Excellency be moved to communicate this Minute to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,

Clerk, Privy Council.

No. 2.

THE MARQUIS OF SALISBURY TO SIR J. PAUNCEFOTE.

(No. 114.)

FOREIGN OFFICE, May 16, 1891.

SIR,—With reference to your despatch No. 131 of the 7th October last, and previous correspondence, I transmit to you herewith a copy of a letter from the Colonial Office,* enclosing a despatch from the Governor General of Canada requesting that the United Government may be reminded that some difference of opinion exists as to the marking of the boundary line between Alaska and British Columbia, which can only be properly determined by an International Commission.

I have to request you to address a communication to the United States Government in the sense desired by the Government of the Dominion.

I am, &c.,

SALISBURY.

No. 3.

SIR J. PAUNCEFOTE TO THE MARQUIS OF SALISBURY (RECEIVED JUNE 11.

(No. 126.)

WASHINGTON, June 9, 1891.

MY LORD,—With reference to Your Lordship's despatch, No. 114, of the 16th ultimo, received on the 2nd instant, I have the honour to transmit to Your Lordship herewith copy of a note which, in conformity with instructions, I have addressed to the United States Secretary of State, pointing out that the boundary line between Alaska and British Columbia can only be properly determined by an International Commission.

I have, &c.,

JULIAN PAUNCEFOTE.

Enclosure in No. 3.

SIR J. PAUNCEFOTE TO MR. BLAINE.

WASHINGTON, June 5, 1891.

SIR,—The Governor General of Canada has lately brought under the notice of Her Majesty's Government the following passages in the last published report of the 'United States Coast and Geodetic Survey,' in which the director writes as follows:—

'By recent Congressional enactments a preliminary survey of the frontier line between Alaska and British Columbia, in accordance with plans or projects approved by the Secretary of State, has been placed in charge of this bureau. Such a preliminary survey, involving the determination of a number of points in geographical position and their complete marking by permanent monuments, will have to be carried from Cape Mazon through the *Portland Canal* to the 50th degree of north latitude, thence

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north westwardly, following, as nearly as practicable, the general trend of the coast at a distance of *about 35 miles from it*, to the 141st degree of west longitude, and thence due north to the Arctic Ocean, a total distance of about 1,400 miles.

The Dominion Government have expressed the desire that the United States Government may be reminded that the question of the boundary at this point is, at the present time, the subject of some difference of opinion and of considerable correspondence, and that the actual boundary line can only be properly determined by an International Commission.

I have accordingly been instructed by the Marquis of Salisbury to call your attention to the above extract, and to the observations of the Dominion Government thereon.

I have, &c.,

JULIAN PAUNCEFOTE.

CONVENTION BETWEEN GREAT BRITAIN AND THE UNITED STATES,
RESPECTING THE BOUNDARY BETWEEN THE TWO COUNTRIES
(ALASKA AND PASSAMAQUODDY BAY) SIGNED AT WASHINGTON, JULY 22, 1892.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America being equally desirous to provide for the removal of all possible cause of difference between their respective Governments hereafter in regard to the delimitation of the existing boundary between Her Majesty's possessions in North America and the United States in respect to such portions of said boundary as may not in fact have been permanently marked in virtue of Treaties heretofore concluded, have resolved to conclude a Convention in furtherance of these ends, and for that purpose have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Michael H. Herbert, *Chargé d'Affaires ad interim* of Great Britain; and

The President of the United States, John W. Foster, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

Article I.—The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary line of the Dominion of Canada and the United States of America dividing the Province of British Columbia and the North-west territory of Canada from the territory of Alaska, from the latitude of 54° 40' north to the point where the said boundary line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissions to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary line in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia.

Application will be made without delay to the respective Legislative Bodies for the appropriations necessary for the prosecution of the survey, and the Commissions to be appointed by the two Governments shall meet at Ottawa within two months after said appropriations shall have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting.

The Commissions shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

Each Government shall pay the expenses of the Commission appointed by it.

Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commission, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that as soon as practicable after the report or reports of the Commission shall have been received, they will proceed to consider and establish the boundary line in question.

Article II.—The High Contracting Parties agree that the Governments of Her Britannic Majesty in behalf of the Dominion of Canada and of the United States shall, with as little delay as possible, appoint two Commissioners, one to be named by each party, to determine upon a method of more accurately marking the boundary line between the two countries in the waters of the Passamaquoddy Bay in front of and adjacent to Eastport, in the State of Maine, and to place buoys fix such other boundary marks as they may determine to be necessary.

Each Government shall pay the expenses of its own Commissioner, and cost of making the boundary in such a manner as shall be determined upon shall be defrayed by the High Contracting Parties in equal moieties.

Article III.—The Present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratification shall be exchanged at Washington within 12 months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries have signed this Convention, and have hereunto affixed our seals.

Done in duplicate at Washington, the 22nd day of July, 1892.

[L.S.]	MICHAEL H. HERBERT.
[L.S.]	JOHN W. FOSTER.

CONVENTION BETWEEN GREAT BRITAIN AND THE UNITED STATES
EXTENDING THE TERM PROVIDED IN THE CONVENTION OF JULY
22, 1892, FOR THE SURVEY OF THE ALASKA BOUNDARY LINE.
SIGNED AT WASHINGTON, FEBRUARY 3, 1894.

The Governments of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and of the United States of America, being credibly advised that the labours of the Commission organized pursuant to the Convention which was concluded between the High Contracting Parties at Washington, July 22, 1892, providing for the delimitation of the existing boundary between Her Majesty's Possessions in North America and the United States, in respect to such portions of said boundary line as may not, in fact, have been permanently marked in virtue of Treaties heretofore concluded, cannot be accomplished within the period of two years from the first meeting of the Commission as fixed by that Convention, have deemed it expedient to conclude a supplementary Convention extending the term for a further period, and for this purpose have named as their respective Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Excellency Sir Julian Pauncefote, G.C.B., G.C.M.G., Ambassador Extraordinary and Plenipotentiary of Great Britain; and

The President of the United States, Walter Q. Gresham, Secretary of State of the United States:

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following Articles:—

Article I.—The third paragraph of Article I. of the Convention of July 22, 1892, states that the respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting. The Joint Commissioners held their first meeting November 28, 1892; hence the time allowed by that Convention expires November 28, 1894. Believing it impossible to complete the required work with the specified period, the two Governments hereby mutually agree to extend the time to December 31, 1895.

Article II.—The present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington at the earliest possible date.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done in duplicate at Washington, the 3rd day of February, 1894.

[L.S.]	JULIAN PAUNCEFOTE.
[L.S.]	W. Q. GRESHAM.

NOTE BY W. F. KING, M.A., ON ARTICLE I. OF THE CONVENTION OF 1892.

By this Article the High Contracting Parties covenanted, not merely to make a certain survey, but also to proceed to the permanent delimitation. (*See* last paragraph of the article.)

The main points in the Article are:—

(a) That the ascertainment of certain facts are 'necessary' to the permanent delimitation.

(b) That these facts are such as could be ascertained by 'a joint or co-incident survey,' that is, they are *topographical* facts.

(c) That the High Contracting Parties will use the report or reports of the Commissioners; that is, will use these *topographical* facts in considering and determining the boundary line in question.

(d) That the permanent delimitation is to be in accordance with the 'spirit and intent' of the treaties as understood in the light of these *topographical* facts.

(e) (By implication) that, in the final discussion and agreement, the High Contracting Parties will discard all considerations which would tend to render nugatory the ascertainment of the topographical facts.

Hence, any claim by the United States on the ground of 'possession' of any territory which is not theirs by the treaties (as interpreted by the topographical facts) is barred. For, if the possession was before 1892, they have renounced their title; if after, occupation would not confer legal title, for the matter has been ever since *sub judice*.

It may be argued against this that the Russians acquired title by possession and occupation; that this title was intended to be conveyed to the United States by the treaty of 1867, and that therefore the 'spirit and intent' of the treaty of 1867 would give the United States all that Russia held by possession.

However, the words of the convention are the 'treaties,' not the 'treaty,' and thus the spirit and intent of the treaty of 1825 must also be considered, and it was manifestly not then intended that Russia should acquire by possession anything beyond the limits assigned by the treaty. The above argument would make the 'spirit and intent' of one of the treaties nullify that of the other.

Again, a line ten leagues from the heads of inlets has been argued for on the evidence of maps, old and new, 'the general usage of geographers,' &c. The general usage would be evidence of the interpretation put upon the treaty of 1825 by geographers, but hardly evidence of the intent of the treaty itself.

It may be open for the United States to argue that, owing to the alleged failure of the surveys of 1892-1895 to prove the existence of the mountains spoken of in the treaty of 1825, the ten league line must be taken, but the *a priori* argument for the ten league line on the ground of general usage falls to the ground.

For the whole purpose of Article I. of the Convention of 1892 was to make a preliminary survey to ascertain the necessary facts, &c. Now, if the ten league line had been the true line, a preliminary survey would have been quite useless. The agreement of the United States to a preliminary and not a final survey amounts therefore to a waiver of *a priori* claim to the ten leagues.

W. F. KING,

OTTAWA, August 11, 1899.

REPORT OF MESSRS. DUFFIELD AND KING, DECEMBER 31, 1895.

The undersigned, William Ward Duffield, on behalf of the United States of America, and William Frederick King, on behalf of Her Britannic Majesty, duly appointed Commissioners under and by virtue of the First Article of the Convention of July 22, 1892, between the United States and the United Kingdom of Great Britain and Ireland, have the honour to submit the following joint report of our proceedings and transactions under the said First Article of the Convention, which reads as follows:—

'The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary line of the United States of America and the Dominion of Canada dividing the territory of Alaska from the Province of British Columbia and the Northwest Territory of Canada, from the latitude of 54° 40' North, to the point where the said boundary line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissioners to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary line, in accordance with the spirit and intent of the existing treaties in regard to it between Great Britain and Russia and between United States and Russia.

'Application will be made with out delay to the respective legislative bodies for the appropriations necessary for the prosecution of the survey, and the Commissioners to be appointed by the two Governments shall meet at Ottawa within two months after the said appropriation shall have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

'The respective Commissions shall complete the survey and submit their final reports thereof within two years from their first meeting.

'The Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

'Each Government shall pay the expenses of the Commission appointed by it.

'Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissioners, may be conducted within its territory by the Commission of the other.

'The High Contracting Parties agree that, as soon as practicable after the report, or reports, of the Commissioners shall have been received, they will proceed to consider and establish the boundary line in question.'

The first meeting of the Commissioners appointed under this Article was held in Ottawa on November 28, 1892. By the supplementary Convention of February 3, 1894,

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the time for the completion of the work and the submission by the Commissioners of their joint or separate reports, which, by the former Convention, expired two years from the date of the first meeting of the Commissioners, that is to say, on November 28, 1893, was extended to December 31, 1895.

The Treaties relating to and defining the international boundary line between Canada and the United States of America in the region in question are the Treaty between Great Britain and Russia, dated February 28-16, 1825, and the Treaty between the United States and Russia, March 30, 1867.

Our Commission, under said Article 1 of the Convention of 1892, applies only to that portion of the boundary described in these Treaties from the southernmost point of Prince of Wales Island to the 141st meridian.

With a view to the performance of the duty imposed upon the Commissioners under the Convention of ascertaining the facts and data necessary to the permanent delimitation of the boundary line, and under the option allowed them of making either a coincident or joint survey, Dr. Thomas C. Mendenhall, at the time Commissioner for the United States (since replaced by the undersigned, William Ward Duffield), together with the undersigned British Commissioner, having considered the large extent of unknown territory involved and the comparatively short time allowed for the survey, determined that it was advisable to make the survey a joint one; that is, to partition among the officers working under them respectively the territory to be surveyed, arranging at the same time that each Commissioner should detail attachés to accompany the several surveying parties of the other, for the purpose of observing and verifying their work.

The United States Commissioner undertook to make surveys of as precise a nature as practicable of the principal water courses which traverse the coast strip; and the British Commissioner undertook to make a photo-topographical survey of the mountainous regions lying between these various water courses.

A preliminary trigonometrical survey of the principal deep water passages, including the continental shore line from Portland Canal to Lynn Canal, had already been completed by the United States Coast and Geodetic Survey, and careful determinations of the geographical positions of Mount St. Elias (as hereinafter given), and of various mountain peaks in that region were made by the same organization in 1892, at which time a partial survey of the shore line of Yakutat Bay was also made. This completed work helped to co-ordinate the detached surveys of the various parties sent out by the two Commissioners.

In pursuance of this plan, during the year 1893, the following gentlemen were given parties on behalf of the United States, namely:—

Mr. Dickens, on the Unuk River.
Mr. Tittmann, on the Stikine River.
Mr. McGrath, on the Taku Inlet.
Mr. Ogden, on the Taku River.

Their duties were to make surveys of these waterways, and to procure as much information as possible as to the topography of the adjacent regions. Mr. Driscoll accompanied Mr. Ogden, as attaché appointed by the British Commissioner, and Mr. Robertson accompanied Mr. Tittmann in a like capacity. Mr. Dickens' survey of the Unuk River was made in conjunction with Mr. Saint Cyr, of the British Commission, who, besides making a traverse of the Unuk River, paid particular attention to the mountainous regions on either side of the river.

On behalf of the British Commission, the following gentlemen were placed under instructions to make topographical surveys as full and complete as their means would allow:—

Mr. Saint Cyr, the Unuk River and the mountainous regions on either side of it.
Mr. Klotz, adjoining him to the west and north-west, towards Bradfield Canal.
Mr. Talbot, to the south and east of the Stikine.
Mr. Gibbons, to the west of the Stikine.
Mr. Brabazon, at Holkham Bay, on the east side of Stephen's Passage.
Mr. McArthur, at Snettisham Bay, and thence to Taku Inlet and Taku River.
Mr. Ogilvie, to the north and west of Taku Inlet, and east of Lynn Canal.
The attachés of the United States Commissioner accompanying them were as follows:—

Mr. Flemer with Mr. Talbot.
Mr. Pratt with Mr. Gibbons.
Mr. Ritter with Mr. Brabazon.
Mr. Welker with Mr. McArthur.
Mr. Hodgkins with Mr. Ogilvie.
Mr. Dickens, working with Mr. Saint Cyr, as above stated.

In addition to the above, the United States Commissioner stationed Mr. Morse at Sitka to make astronomical observations for the determination of chronometric differences of longitude between Sitka as a base station and the observatories established by Mr. Dickens at Burroughs Bay with Dr. Edmonds as observer, by Mr. Tittmann at

Fort Wrangell with Mr. Putnam as observer, and by Mr. Ogden at the mouth of the Taku River with Mr. French as observer. At each of the above stations latitude and longitude were also determined. The United States steamer 'Hassler' was employed throughout the season in making the necessary exchanges of time, the chronometers being in charge of Mr. Lord.

The parties were on the ground and the work begun in the middle of May; and the early snow falls rendering mountain work impossible, it was found necessary to retire from the field in September.

During the following year, 1894, the following parties were placed in the field, on behalf of the United States Commission:—

Mr. Pratt on the Chilkat Inlet and river and on Chilkoot and Taiya Inlets and Taiya River, he being engaged chiefly in triangulation.

Mr. Dickens on Unuk River and Chilkat Inlet.

Mr. Flemer on Chilkoot and Taiya Inlets.

Mr. Ritter on Chilkat Inlet and River.

Mr. McGrath on the coast westward from Yakutat Bay and at Lituya Bay.

Mr. Morse at Sitka longitude station.

Latitude and longitude were determined at the observatory at Anchorage Point, Pyramid Harbour, the steamer *Hassler* making the necessary chronometer trips as before.

Mr. Hayford made the observations at Pyramid Harbour and Mr. Page had charge of the chronometers on the *Hassler*.

On behalf of the British Commission:—

Mr. Saint Cyr at the head of the Portland Canal and thence to the Chickamin River.

Mr. Klotz around Bradfield Canal.

Mr. Gibbons on the north of Frederick Sound from Horn Cliffs to Port Houghton.

Mr. Ogilvie on the east side of Lynn Canal, also on the outer coast beyond Cape Spencer.

Mr. McArthur at the north end of Lynn Canal and later on the outer coast at Lituya Bay.

Mr. Talbot on the west side of Lynn Canal toward Glacier Bay.

Mr. Robertson accompanied Mr. Pratt's party as attaché for the British Commissioner. Except in this instance the system of attachés was discontinued by mutual consent of the Commissioners.

During the winter of 1894-95, a party under Mr. Ogilvie ascended the Taku River for the purpose of gaining additional information as to the region extending thence to the vicinity of White and Taiya Passes, which lead from Lynn Canal to the interior, but on account of tempestuous weather the expedition was obliged to return, having accomplished nothing beyond a traverse survey of part of Taku River.

During the season of 1895, Mr. Brabazon was detailed by the British Commissioner to the region lying between the mouth of the Alek River and Yakutat Bay.

Mr. Welker and Mr. Dickens were sent by the United States Commissioner to connect the surveys made in former years by the United States Coast and Geodetic Survey in Portland Canal with those in Revillagigedo Channel, and to determine more accurately the longitude of the stations along the Canal.

Mr. Dickens and Mr. Welker were placed in charge of parties in Alaska and Mr. Morse was stationed at Seattle as astronomer for the redetermination of the differences of longitude between that point and the observatories at Port Simpson, B.C., at Mary Island, Alaska, and at a station at the head of Portland Canal. The observations for latitude and longitude were made by Mr. French at Port Simpson, by Mr. Dickens, at Mary Island, and by Mr. Welker, at Lion Point, Portland Canal.

Mr. Young was in charge of the chronometers carried by the steamer 'City of Topeka,' between Seattle and the stations at Port Simpson and Mary Island.

Comparisons between Port Simpson and Lion Point were effected by the United States launch 'Fuca.'

The results of all these surveys are exhibited in the accompanying maps, namely, sheets Nos. 1 to 24, made on a scale of $\frac{1}{100,000}$ with contour lines of elevations 250 feet apart, from the surveys of the British Commission; and in maps Nos. 1 to 12 of the United States Commission, made on the same scale.

These maps have been agreed to by us, subject to the limitations hereinafter set forth, as correct representations of the topographical features, and have been signed by us to testify thereto. In submitting two sets of maps which cover the same ground, and which, to a large extent, have been prepared independently in the offices of the respective Commissioners at Washington and Ottawa, it is understood that wherever there is a difference between the maps, either from different methods of representing the topography or from discrepancy as to the position of natural features or otherwise, such difference is to be interpreted by reference to the hereinbefore described scheme of partition of the survey work between the respective Commissions; and where the surveys cover the same or nearly the same ground, the maps are to be taken as mutually explanatory, having regard to the conditions under which each survey was made. The

continental shore line, from latitude 54° 40' to Point Coverden, at the south-westerly entrance to Lynn Canal, having been surveyed by the United States Coast and Geodetic Survey, the United States map shall, in case of discrepancy, govern as to the shore line; so also from Yakutat Bay to the 141st meridian. But from Point Coverden north-westerly to Yakutat Bay, including Glacier Bay and the other Bays, which, with the exception to the entrance to Lituya Bay, have not been so surveyed, the maps of the British Commission shall govern. The shore line of the islands of the Alaskan Archipelago have been mapped according to the surveys of the United States Coast and Geodetic Survey, wherever such survey has been made; elsewhere the best information available has been used.

To show the topographical features of the country in another way, we herewith submit photographic views, being contact prints from the photographic negatives of the officers of the British Commission, whose work was largely executed as to the detail or 'filling in' by means of these views, according to the method known as photo-topography, the frame work being laid out by triangulations which are shown in sheets Nos. 25, 26, 27 and 28 of the British Commission. These views will also serve as a permanent record of the field work. Plans of the triangulation executed by the officers of the United States Commission are submitted herewith on sheet No. 13 of the United States Commission.

Besides the information contained in the maps, we have to report as to the point of commencement named in the Treaty of 1825, that the latitudes of Capes Muzon and Chacon as determined by the British observers are as follows:—

Cape Muzon 54° 39' 50"

Cape Chacon 54° 41' 25"

As determined by the United States observers these latitudes are:—

Cape Muzon 54° 39' 48"

Cape Chacon 54° 41' 22"

These results are so nearly alike that there is no practical discrepancy between them.

Also, the summit of Mount St. Elias is by the best determination in latitude 60° 17' 35" 10 and longitude 140° 55' 47" 32, being 28-830 nautical miles from the line of coast west of Yakutat Bay and 2-41 statute miles east of the 141st meridian.

We conceive it unnecessary for us, having prepared maps showing so much detail, to enter into a lengthy description of the topography. It may be well, however, to add some remarks upon the mode of occurrence of timber, since this is not shown on the maps.

Speaking broadly we may say that the average altitude of the timber line between Burrough's Bay and Lynn Canal is 2,500 feet, being a little higher in the south and a little lower in the north. Timber line is primarily a matter of heat, so that altitude and latitude have similar effects. However, in a country of which so much has but recently been uncovered from glaciers, timber line is affected by another factor, and that is the presence of soil for trees to take root. As the foot of a mountain is first exposed, the forest starts there, and in time, as exposure and consequent disintegration take place, creeps upwards. Now there are many points in the area above referred to where this process of forest creeping has not reached the limit set by climatic conditions, and hence we find timber lines near each other, but varying in altitude by hundreds of feet. This is most noticeable on the west side of Lynn Canal. Naturally we would expect the timber line in the south to be higher than in the north, but as a matter of fact it is the reverse there, being scarcely 2,000 feet for the former and nearly 3,000 feet for the latter. In general the timber line on the east side of Lynn Canal is somewhat higher than on the west side. Around Juneau the timber line does not reach the 2,000 feet limit. Between the entrance of Glacier Bay across Dundas and Taylor Bays and Cape Spencer the timber line may be put at 2,000 feet above the sea. In Glacier Bay, northward from the entrance, the timber line rapidly descends and in the northern part the forest practically disappears altogether. In fact along many of the smaller bays there no wood whatever is found. This phenomenon is plainly indicative of the recent recession of the vast complex of glaciers. On the outside, between Lituya Bay and Cape Spencer, the line is barely 2,000 feet, while in Yakutat Bay it is 1,500 feet. Most of the mountains between Yakutat Bay and Lituya Bay are not timbered at all, but this is probably due—up to 2,000 feet—to the fact already stated, i.e., that the recession of the glaciers is too recent to admit of the necessary disintegration for vegetation to spring up, as well as to the effect upon the temperature of the nearness of the existing glaciers.

The altitude of the timber line at various points is as follows:

Place.	Maximum.	Average.
Portland Canal.....	2,600	2,500
Unuk River.....	2,900	2,600
Burrough's Bay.....	2,900	2,500
Bradfield's Canal.....	2,700	2,500
South of Stikine.....	2,700	2,500
North of Stikine.....	2,500	2,500
Thomas Bay.....	2,500	2,500
Endicott Arm.....	2,500	2,300
Snetchiam Bay.....	2,700	2,500
Taku Inlet.....	2,500	2,500
East side Lynn Canal.....	2,900	2,500
Head of Lynn Canal.....	2,400	2,000
West side of Lynn Canal.....	1,500	1,500
Outside, west of Cape Spence.....		

It is understood and agreed that in signing this joint report and signing and accepting the maps they have submitted, it is not therefore affirmed or admitted by the Commissioners that there is authority for the application of the names used to designate the various places, mountains, bays, channels, islands, &c.

In witness whereof we have hereunto set our hands at Albany, New York, this thirty-first day of December, 1895.

(Signed) W. W. DUFFIELD,
United States Commissioner.

(Signed) W. F. KING,
Her Majesty's Commissioner.

PROPOSALS EXCHANGED BETWEEN LORD HERSCHELL AND SENATOR FAIRBANKS.

MEMORANDUM RESPECTING FIXING THE BOUNDARY IN ALASKA.

(Received from Senator Fairbanks, 14th December, 1898.)

The Joint High Commission, in pursuance of the stipulation contained in the last clause of Article I. of the Convention of the 22nd July, 1892, "will proceed to consider and establish the boundary line in question.

To this end they will consult the report and surveys of the Commission appointed under the said Convention, and agree upon the points by longitude and latitude where the eastern boundary line crosses the rivers named in the proposed surveys mentioned in the correspondence between the two Governments in 1873-75 (see Canadian Sessional Papers, Vol. xii, No. 125, 1878, pp. 10, 28, 37, &c.) and such other rivers and points as may be agreed upon.

They will further provide for the fixation and marking by a Joint Commission of experts of the said points of the boundary agreed upon.

DRAFT OF AN ARTICLE RESPECTING THE USE OF HARBOURS IN THE LYNN CANAL.

(Received from Senator Fairbanks, 14th December, 1898.)

It is further agreed, on the part of the United States, that all commercial vessels of the Dominion of Canada shall have free ingress and egress to and from the Lynn Canal in the territory of Alaska, and to and from any port or harbour thereof, as freely and on the same terms, and subject to the same conditions as the commercial vessels of the United States, and subject to no other charges or restrictions than those applied to like vessels of the United States. All merchandise arriving at any port established on said canal and destined to any place in the Dominion of Canada may be landed at such port for transshipment to the intervening territory of Alaska without the payment of duty, under such proper regulations of the Secretary of the Treasury of the United States as shall be required for the protection of the revenue. For the greater facility of such transit trade, it is further agreed that the Dominion of Canada may establish at such port an office, with necessary agents, for the supervision of such transit, and (if so desired) for the collection of Canadian customs duties on all merchandise in transit as aforesaid.

In like manner, all merchandise arriving from Canada at the inland frontier of Alaska and destined for export by way of said canal to any foreign country, or to any

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Canadian port, may be transported from said frontier to the port of exportation on the said canal, and may be thence exported without the payment of duties thereon, under such proper regulations for the protection of the revenue as the Secretary of the Treasury of the United States shall prescribe.

The Secretary of the Treasury of the United States and the Minister of Trade and Commerce of the Dominion of Canada may, by common accord, make such additional regulations for giving effect to the foregoing provisions as they shall find appropriate and expedient.

MEMORANDUM RESPECTING THE LYNN CANAL.

(Given to Senator Fairbanks, 16th December, 1898.)

The proposed Article in reference to the Lynn Canal assumes the boundary to be fixed as, in accordance with the contention of the United States and contrary to the contention of Great Britain, to give the whole of the shores of the Lynn Canal to the United States.

It thus decides the entire question there at issue in favor of the United States, and gives only certain very limited commercial concessions in relation to the ports on the canal to Canada.

The British members of the Committee are unable to regard this as a fair and equitable settlement of the question of boundary. They propose, in lieu thereof, that it should be agreed that the United States should have the whole of the land bordering on the Lynn Canal, except Pyramid Harbour and a strip of land from that harbour to the boundary line, such as to secure access thereto by the Dalton Trail. This would give almost the whole of the disputed territory in that region to the United States, and even supposing the force of the claim of the United States to that territory to be considerably stronger than that of Great Britain, would seem to be a just and equitable settlement by way of compromise of the dispute.

As regards Pyramid Harbour, the British Commissioners would assent to an agreement giving equal rights to United States and Canadian vessels in that harbour.

If this should not be accepted the British Commissioners propose, as an alternative, that provision should be made for the delimitation of the boundary by legal and scientific experts, with a stipulation that, should Great Britain be found entitled to the land bordering on the upper part of the Lynn Canal, Dyea and Skagway, with a strip behind them to the present provisional boundary line, should, nevertheless, belong to the United States, whilst, on the other hand, should the United States be found entitled to the land bordering on the upper part of that canal, Pyramid Harbour and a strip of land securing access to the boundary by Dalton Trail should belong to Canada.

Should neither of these proposals be acceptable, there seems to be no alternative but to leave the question of boundary to be determined according to the true construction of the Treaty of 1825 (and a consideration of other circumstances if, and so far as, they affect that determination) by legal experts.

MEMORANDUM RESPECTING THE ALASKA BOUNDARY.

(Given to Senator Fairbanks, 16th December, 1898.)

The question of the boundary in the neighbourhood of the Lynn Canal having been separately dealt with from the rest of the boundary in dispute, it has been thought convenient to continue this separate treatment for the moment.

It is to be observed that, whilst as regards the Lynn Canal there is to be a complete surrender of all territorial claims by Great Britain, the proposals made offer no concession to the British view in other parts of the boundary, although, in the opinion of the British members of the Committee, their position as to the territory in dispute there is very greatly stronger than the position of the United States in claiming the territory round the Lynn Canal.

They are unable to understand the object of the proposal that the boundary should be determined only at points where it was thought desirable a quarter of a century ago that the boundary should be fixed, and at any other agreed points. The circumstances at the present time are, in their opinion, altogether different, and the obligation appears to be imposed on them to provide for a delimitation of the whole of the boundary from its southernmost point to the point where the boundary line encounters the 141st degree of longitude. Any other course appears to them open to the gravest objections. They are quite willing to endeavour to fix this boundary by agreement with the United States Commissioners, but this will be impracticable if it can only be attained by a surrender throughout of what they believe to be the rights of Great Britain. It can only be accomplished on the basis of concessions on both sides, which can be regarded as fair equivalents. If no agreement is possible, the only mode of making "provisions for the delimitation and establishment of the Alaska-Canadian boundary," seems to them to be by means of legal and scientific experts.

MEMORANDUM WITH RESPECT TO THE POINTS FOR FIXING THE ALASKAN BOUNDARY.

(Received from Senator Fairbanks, 20th December, 1898.)

The proposition as to the fixation and marking of the eastern boundary on the rivers and at the points to be agreed upon is modified or enlarged, so as to provide:—

1. For submission to arbitration of the question whether the line drawn from the southernmost point of Prince of Wales Island in the parallel of 54.40, to and along the Portland Canal, passes to the south or to the north of Wales and Pearce's Islands; and
2. In case of failure to agree upon the place on the rivers and other points indicated where the eastern boundary crosses them, such matter of difference shall likewise be submitted to arbitration.

MEMORANDUM AS TO PROPOSED AGREEMENT FOR FIXING THE ALASKAN BOUNDARY.

(Sent to Senator Fairbanks, 22nd December, 1898.)

I am not sure that I understand the new proposal, but I gather that it is intended to limit the "fixation and marking" of the Alaskan boundary to certain points to be agreed upon, and also to limit it to the eastern boundary, thus excluding, as I understand, the northern boundary. Moreover, there is no provision as to what is to be done if an agreement is not arrived at as to the points where the boundary is to be fixed.

The proposal appears to me quite inadmissible as a solution of the question. The protocol on this subject which describes the purpose for which the High Commissioner was appointed is in these terms: "Provisions for the delimitation and establishment of the Alaska-Canadian boundary by legal and scientific experts, if the Commission shall so decide, or otherwise."

This appears to me to render it our duty to make provisions for the delimitation and establishment of the boundary between Canada and Alaska throughout, and not merely at particular places. To adopt the latter course would be, as it seems to me, to fail to discharge the duty in terms imposed upon us. Moreover, it would, in my opinion, be very mischievous to leave the boundary in part undetermined and without any provision for its delimitation. It would be to court future differences which the very object of our mission is to render impossible. In a case of a disputed boundary between two countries, there seems to me to be only two ways in which a difference of opinion can be adjusted. Those ways are: agreement between the parties, or an adjustment of their legal rights by independent persons. If the former be impossible, the latter seems the only alternative open, and it is one which was unquestionably in contemplation as possible.

It has been suggested that the view of Great Britain that the upper part of the Lynn Canal is within her boundary is an afterthought, and only recently adopted. This is quite a mistake.

In a report made in 1886 by an official who had been instructed by the British Government to investigate and report upon the question of the Alaskan boundary, reasons were stated at great length for coming to the conclusion that the upper part of the canal was within British territory. More recently an official of the Colonial Office, reporting on the question whilst not adopting in its entirety the Canadian view as to the boundary generally, maintained strongly, and gave his reasons for so doing, that the upper part of the Lynn Canal was within the British boundary.

DRAFT ARTICLE RESPECTING THE ALASKA BOUNDARY, HANDED TO THE AMERICAN COMMISSIONERS, 2ND FEBRUARY, 1899.

The line commencing at Cape Chacon, which is the most southern point of Prince of Wales Island, shall ascend northerly to the entrance of Portland Canal, west of Wales and Pearce Islands, thence upwards through the centre of said canal to the mouth of Bear River; thence from a peak on the right bank of Bear River northerly to another peak on the 55th degree of north latitude; thence by intervisible peaks, as much as possible in a straight line to Big Mountain, thence in the same way to Kate's Needle, thence in the same way to a peak 7,109 feet high in the vicinity of the junction of the Tolouque River with the Taku, thence in the same way to the White Pass, thence in the same way to the Chilkoot Pass, thence in the same way to a peak 7,300 feet high east of the 136th degree of longitude, thence in the same way to Black Mount, which lies about three miles east of the same degree of longitude, and about 59° 6' of north latitude; thence in the same way to a peak lying at the northern extremity of John Hopkins Glacier, thence in the same way to Mount Pinta, thence in the same way to Mount Gould, thence in the same way to Mount St. Elias.

There shall be granted to Her Britannic Majesty the possession of Pyramid Harbour on Chilkat Inlet of Lynn Canal, and a strip of territory along the Chilkat River,

the whole to be inclosed in the following limits: Commencing on the sea-shore at the 59° 10' of north latitude, and thence west in a straight line to the summit of the hills at a point where the said degree 59° 10' of north latitude is intersected by the degree 135° 30' of longitude, and thence upwards by intervisible peaks along the range of mountains parallel to the valley of the Chilkat River, to the point of intersection of the above described boundary line. Reverting to the above mentioned starting point on the sea-shore, the line shall proceed to Pyramid Island including the same, thence in a straight line to a peak on the hills of the right bank of the Chilkat River, overlooking the Cantyaskali village, from the said peak upwards by intervisible summits, along the range of mountains parallel to the valley of the Chilkat River, to the point of intersection of the above described boundary line.

The said port and territory within the above limits shall be subject to the exclusive jurisdiction of the Dominion of Canada, and of its laws civil and criminal. It is agreed, however, that the rights of individuals and corporations heretofore acquired in the said port and territory shall be respected.

It is further agreed that should the Canadian Government cease to maintain a custom-house at said port or a police force sufficient to preserve order in said port and territory, the privileges above granted shall terminate and the said port and territory shall revert to the United States, but all concessions of land made and all rights and privileges previously granted by the Canadian Government shall be respected.

It is stipulated that vessels of the United States and of British or Canadian register shall have equal treatment in the harbours of Pyramid, Skagway and Dyea.

MEMORANDUM RECEIVED FROM THE UNITED STATES COMMISSIONERS, 9TH FEBRUARY, 1899.

ARTICLE. ALASKAN BOUNDARY.

In order to facilitate the final adjustment of all points in difference in respect to the boundary line between the territory of Alaska and the British territory adjacent thereto, the high contracting parties mutually agree upon the following provisions:—

1. It is admitted that the territorial line dividing the said possessions of the respective Governments is to be ascertained and established as early as possible in accordance with the definition thereof contained in Articles III. and IV. of the Convention between Russia and Great Britain, dated the 28th (16th) February, 1825, and reproduced in Article I. of the Convention between Russia and the United States, dated the 30th March, 1867.

2. A Commission to consist of four members—two to be named by each Government, one to be a legal expert and one an expert of established reputation in the science of geography and geodesy—shall be appointed. Their duty shall be to examine all the facts, topographical or historical, submitted to them on the part of either Government and which bear upon the true application and meaning of the definitive clauses of said convention of 1825 as accepted by the parties thereto.

Said Commissioners shall make oath in writing to perform their duties under this article without fear, partiality or favour. They shall have liberty to visit the localities in dispute if they deem it necessary, and to take evidence.

3. They shall make joint report in quadruplicate, one for each of the Governments and for the Commissioners of each party, upon all points at issue upon which they shall agree.

4. They shall also make report upon all points on which they fail to agree, showing distinctly their differences in respect to said line of demarcation.

5. If they cannot under their oaths agree upon the true conventional boundary line, and can establish and accord upon a convenient compromise line intermediate of the opposing views of said Commissioners, they shall carefully define and report such intermediate line in a special report to each of the two Governments over their signatures.

6. Upon receipt of said reports, the respective Governments will enter into direct negotiations for a convention establishing a permanent line of boundary.

Said Commissioners shall be appointed within two months from the date of the ratification of this Treaty; shall meet and organize within two months thereafter; and thenceforward shall proceed with all dispatch.

Each of the High Contracting Parties shall present its case in writing for the consideration of said Commission.

Each Government shall pay one-half of the joint expenses of the Commission, including such assistance as they may need, and shall compensate its own Commissioners and pay all expenses incurred in its own behalf.

Said Commission shall make the report or reports hereinbefore required of them within two years from their first meeting.

ALASKA CANADIAN BOUNDARY.

MEMORANDUM SENT TO UNITED STATES COMMISSIONERS, 9TH FEBRUARY, 1899.

That provisions for the delimitation and establishment of the Alaska-Canadian boundary be made in the following manner, that is to say:—

That it be referred to an eminent jurist to be appointed by the President of the United States and an eminent jurist to be appointed by Her Britannic Majesty on the nomination of the Judicial Committee of the Privy Council, and a third eminent jurist (to be named) or (to be agreed upon by the jurists appointed as aforesaid), or in default thereof to be appointed by (), to determine what is the line of demarcation between the possessions of the High Contracting Parties commencing from the southernmost point of the island called Prince of Wales' Island as far as Mount St. Elias; that the jurists appointed as aforesaid shall be assisted by such scientific experts as they see fit to appoint to the end that such line of demarcation as aforesaid may be delimited and established by the jurists appointed as aforesaid with the legal rights of the High Contracting Parties under or by virtue of the Treaty of 1825.

Provisional arrangements shall be made by the High Commission covering the period until the line is determined as aforesaid.

ALASKA BOUNDARY.

MEMORANDUM COMMUNICATED BY AMERICAN COMMISSIONERS, 11TH FEBRUARY, 1899.

Proposition for Treaty Provision as to Alaska Boundary.

A Commission shall be appointed consisting of
to determine and delineate upon suitable maps, the boundary line between the territory of Alaska and the Dominion of Canada from the southernmost point of Prince of Wales' Island to Mount St. Elias, in accordance with the Treaty between Russia and Great Britain of the 28th February, 1825, under the following terms and conditions:—

1. The Commission shall consider and determine whether the line, to be drawn from the southernmost point of Prince of Wales' Island in the parallel of 54.40, along the Portland Channel to the 56th degree of latitude, passes to the south or to the north of Wales and Pearse Islands.

2. The Commission shall consider and determine where the boundary line, departing from the point on the 56th degree of latitude above indicated, crosses the Skoot, Stikine, and Taku Rivers, the mountain passes north of the head of Lynn Canal, the Chilkat, Tatshenshini, and Alek Rivers.

3. Between the points to be determined as indicated in the last above paragraph, and also between the Alek River and Mount St. Elias, the Commission shall delineate the boundary as near as may be following intervisible mountain peaks.

The determination and award of the Commission shall be accepted by the governments of the United States and Great Britain as final and conclusive.

NOTES ON PROPOSITION.

As a convention has been entered into and is now pending in the Senate respecting the boundary line between Mount St. Elias and the Arctic Ocean, no action as to that portion of the boundary is necessary on the part of the Joint High Commission.

The territory which is proposed above to be submitted to arbitration, especially in paragraph two, is substantially in accord with an arrangement which was proposed by the United States in 1873, and approved by the British Government (see 'Canadian Sessional Papers,' vol. xi., No. 125, 1878, pp. 10 to 37).

MEMORANDUM SENT TO UNITED STATES COMMISSIONERS, FEBRUARY 11, 1899.

The British Commissioners are unable to accept the proposal made, inasmuch as it assumes in favour of the United States a matter in dispute and limits the arbitration to a portion of the disputed boundary.

They have already stated in previous communications that, in their opinion, they are entitled, in default of an agreement, to have the whole of the disputed boundary referred to arbitration. By the Protocol in pursuance of which this Commission assembled, provision was to be made for the delimitation and establishment of the Alaska-Canadian boundary, that is, the whole boundary without limitation. In the opinion of the British Commissioners, such provision can only be made in the terms of the protocol (in default of agreement as to boundary) by an agreement for some steps to be taken, which will, if taken, necessarily result in a delimitation of the whole boundary, and they know of no other steps which will accomplish this except a reference to arbitration.

DRAFT ARBITRATION TREATY SUBMITTED BY THE BRITISH COMMISSIONERS, FEBRUARY 16, 1899.

ARTICLE I.

An Arbitral Tribunal shall be immediately appointed to determine the boundary line between the Territory of Alaska and the Dominion of Canada within the limits defined in Article III.

ARTICLE II.

The Tribunal shall consist of three jurists of repute—one on the part of Great Britain, nominated by the members for the time being of the Judicial Committee of Her Majesty's Privy Council; one on the part of the United States, nominated by the President; and of a third jurist, to be selected by the two persons so nominated, or, in the event of their failure to agree within three months of the exchange of ratifications of the present treaty, to be selected by

In case of the death, absence, or incapacity to serve of either of the two Arbitrators nominated as aforesaid, or in the event of either of such Arbitrators omitting or declining or ceasing to act as such, another jurist of repute shall be forthwith substituted in his place. If such vacancy shall occur in the case of the Arbitrator nominated by Great Britain, the substitute shall be appointed by the members for the time being of the Judicial Committee of Her Majesty's Privy Council. If such vacancy shall occur in the case of the Arbitrator nominated by the United States, he shall be appointed by the President. In the case of the death, absence, or incapacity to serve of the third Arbitrator selected as aforesaid, or in the event of such Arbitrator omitting or declining or ceasing to act as such, another jurist of repute shall be forthwith substituted in his place who shall be selected by the two other Arbitrators, or in the event of their failure to agree within one month of such vacancy occurring, by

ARTICLE III.

The Tribunal shall determine and delineate on suitable maps the boundary line between the Territory of Alaska and the Dominion of Canada from the southernmost point of Prince of Wales Island to Mount St. Elias, in accordance with the Treaty between Russia and Great Britain, of the 28th February, 1825.

ARTICLE IV.

In deciding the matters submitted, the Arbitrators shall ascertain all facts which they deem necessary to a decision of the controversy, and shall be governed by the following Rules, which are agreed upon by the High Contracting Parties as Rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to be applicable to the case:—

RULES.

(a.) Adverse holding or prescription during a period of fifty years shall make a good title. The Arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding, or to make title by prescription.

(b.) The Arbitrators may recognize and give effect to rights and claims resting on any other grounds whatever valid according to international law, and on any principles of international law which the Arbitrators may deem to be applicable to the case, and which are not in contravention of the foregoing rule.

(c.) In determining the boundary line if territory of one Party be found by the Tribunal to have been at the date of this Treaty in the occupation of the subjects or citizens of the other Party, such effect shall be given to such occupation as reason, justice, the principles of international law, and the equities of the case shall, in the opinion of the Tribunal, require.

ARTICLE V.

The Arbitrators shall meet at _____ within sixty days after the delivery of the printed Arguments mentioned in Article VIII., and shall proceed impartially and carefully to examine and decide the matters submitted to them as herein provided on the parts of the governments of Her Britannic Majesty and the United States of America respectively.

Provided always that the Arbitrators may, if they shall think fit, hold their meetings, or any of them, at any other place or places which they may determine.

All questions considered by the Tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

Each of the high contracting parties shall name one person as its agent to attend the Tribunal, and to represent it generally in all matters connected with the Tribunal.

ARTICLE VI.

The printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators, and to the agent of the other Party as soon as may be after the appointment of the members of the Tribunal, but within a period not exceeding months from the date of the exchange of the ratification of this treaty.

ARTICLE VII.

Within months after the delivery on both sides of the printed case, either Party may in like manner deliver in duplicate, to each of the said Arbitrators and to the agent of the other Party, a Counter-case and additional documents, correspondence and evidence, in reply to the case, documents, correspondence and evidence so presented by the other Party.

If, in the case submitted to the Arbitrators, either party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof, within thirty days after the delivery of the case, and the original or copy so requested shall be delivered as soon as may be, and within a period not exceeding forty days after the receipt of notice.

ARTICLE VIII.

It shall be the duty of the agent of each Party, within months after the expiration of the time limited for the delivery of the Counter-case on both sides, to deliver in duplicate to each of the said Arbitrators, and to the agent of the other Party, a printed argument showing the points and referring to the evidence upon which his government relies,

The Arbitrators may, if they desire any further elucidation, with regard to any point, require oral argument by counsel upon it, or a written or printed statement or argument, but in such case the other Party shall be entitled to reply either orally or by written or printed statement or argument as the case may be.

ARTICLE IX.

The Arbitrators may, for any cause deemed by them sufficient, enlarge the periods fixed by Articles VI, VII, and VIII, or any of them, by the allowance of thirty days additional.

ARTICLE X.

The decision of the Tribunal shall, if possible, be made within three months from the close of the arguments on both sides.

It shall be made in writing, and dated, and shall be signed by the Arbitrators who may assent to it. The decision shall be in duplicate, one copy whereof shall be delivered to the Agent of Great Britain for his Government, and the other copy shall be delivered to the Agent of the United States of America for his Government.

ARTICLE XI.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them. They may also employ any scientific experts whose assistance they may deem necessary for the discharge of the duty intrusted to them.

ARTICLE XII.

Each Government shall pay its own agent, and provide for the remuneration of the counsel employed by it, and of the Arbitrators appointed on its behalf, and for the expense of preparing and submitting its case to the Tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments in equal moieties.

ARTICLE XIII.

The High Contracting Parties engage to consider the result of the proceedings of the Tribunal of Arbitration as a full, perfect, and final settlement of all questions referred to the Arbitrators.

ARTICLE XIV.

The present Treaty shall be duly ratified by Her Britannic Majesty and by the President of the United States by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged in London or in Washington within months of the ratification thereof.

COUNTER PROJECT OF ARTICLES OF ARBITRATION TREATY SUBMITTED BY THE UNITED STATES COMMISSIONERS, 18TH FEBRUARY 1899.

ARTICLE I.

An Arbitral Tribunal shall be immediately appointed to determine the boundary line between the territory of Alaska and the Dominion of Canada within the limits defined in the following Article III. :—

ARTICLE II.

The Tribunal shall consist of six impartial jurists of repute, three on the part of Great Britain, nominated by the members for the time being of the Judicial Committee of Her Majesty's Privy Council, and three on the part of the United States, nominated by the President.

In case of the death, absence, or incapacity to serve of either of the Arbitrators nominated as aforesaid, or in the event of either of such Arbitrators omitting or declining or ceasing to act as such, another impartial jurist of repute shall be forthwith nominated in his place by the same authority which appointed his predecessor.

ARTICLE III.

The Tribunal shall determine and if practicable delineate on suitable maps the boundary line between the Territory of Alaska and the Dominion of Canada from the southernmost point of Prince of Wales Island to Mount St. Elias, in accordance with the Treaty between Russia and Great Britain, dated the 28th (16th) February, 1825, and the Treaty of cession from Russia to the United States, dated the 30th March, 1867, or, as the same shall be established by said Tribunal under the Rules hereinafter provided.

ARTICLE IV.

Before deciding the matters submitted, the Arbitrators shall ascertain all geographical, historical and other facts which they deem necessary to a decision of the controversy, and shall be governed by the following rules, which are agreed upon by the High Contracting Parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to be applicable to the case.

RULES.

(a.) Adverse holding or prescription during a period of fifty years shall make a good title. The Arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding, or to make title by prescription.

(b.) The Arbitrators may recognize and give effect to rights and claims resting on any other ground whatever valid according to international law, and on any principles of international law which the Arbitrators may deem to be applicable to the case, and which are not in contravention of the foregoing rule.

(c.) In considering the "coast," referred to in the said Treaties mentioned in Article 3, it is understood that the coast of the continent is intended. In determining the boundary, if territory of one party shall be found by the Tribunal to have been at the date of this Treaty in the occupation of the subjects or citizens of the other party, such effect shall be given to such occupation as reason, justice, the principles of international law, and the equities of the case shall, in the opinion of the Tribunal, require; and all towns or settlements on tide-water, settled under the authority of the United States and under the jurisdiction of the United States at the date of this Treaty, shall remain within the territory and jurisdiction of the United States.

ARTICLE V.

The Arbitrators shall meet at _____ within sixty days after the delivery of the printed arguments mentioned in Article 8, and shall proceed impartially and

carefully to examine and decide the matters submitted to them as herein provided on the parts of the Governments of Her Britannic Majesty and the United States of America respectively.

Provided always that the Arbitrators may, if they think fit, hold their meetings, or any of them, at any other place or places which they may determine.

All questions considered by the Tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

Each of the High Contracting Parties shall name one person as its Agent to attend the Tribunal, and to represent it generally in all matters connected with the Tribunal.

ARTICLE VI.

The printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators, and to the Agent of the other party, as soon as may be after the appointment of the members of the Tribunal, but within a period not exceeding months from the date of the exchange of the ratifications of this Treaty.

ARTICLE VII.

Within months after the delivery on both sides of the printed Case, either party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the Agent of the other party, a counter case and additional documents, correspondence and evidence, in reply to the case, documents, correspondence and evidence so presented by the other party.

If, in the case submitted to the Arbitrators, either party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof, and either party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after the delivery of the case, and the original, or copy, as requested, shall be delivered as soon as may be, and within a period not exceeding forty days after the receipt of notice.

ARTICLE VIII.

It shall be the duty of the Agent of each Party within months after the expiration of the time limited for the delivery of the Counter Case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other Party, a printed statement or argument showing the points and referring to the evidence upon which his Government relies. The other Party may submit reply thereto.

The Arbitrators may, if they desire further elucidation with regard to any point, require oral argument by Counsel upon it, or a written or printed statement or argument, but in such case the other Party shall be entitled to reply either orally or by written or printed statement or argument, as the case may be.

ARTICLE IX.

The Arbitrators may, for any cause deemed by them sufficient, enlarge the periods fixed by Articles VI., VII., and VIII., or any of them, by the allowance of thirty days additional.

ARTICLE X.

The decision of the Tribunal shall, if possible, be made within three months from the close of the arguments on both sides.

It shall be made in writing, and dated, and shall be signed by the Arbitrators who may assent to it. The decision shall be in duplicate—one copy whereof shall be delivered to the Agent of Great Britain for his Government, and the other copy shall be delivered to the Agent of the United States of America for his Government.

ARTICLE XI.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them. They may also employ any scientific experts whose assistance they may deem necessary for the discharge of the duty entrusted to them.

ARTICLE XII.

Each Government shall pay its own Agent and provide for the remuneration of the Counsel (if any) employed by it, and of the Arbitrators appointed on its behalf, and for

the expenses connected with the proceedings.

The Tribunal referred to in the above articles shall be composed of five members, three of whom shall be appointed by the British Government, and two by the United States Government.

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ARTICLE XIII.

The High Contracting Parties engage to consider the result of the proceedings of the Tribunal of Arbitration as a full, perfect, and final settlement of all questions referred to the Arbitrators.

No. 25.

MR. R. CANNING TO MR. G. CANNING.

Received June 12.

(No. 47.)

WASHINGTON, May 3, 1823.

SIR,—The Russian Envoy, Baron Tuyl, who arrived here about three weeks ago, has proposed to the American Government, in the name of his court, to send instructions, to Mr. Middleton at St. Petersburg for the purpose of enabling him to negotiate an arrangement of the differences arising out of the claims asserted by the Emperor of Russia to an exclusive dominion over the north-west coast of America, and the neighbouring seas as far as the 51st degree of north latitude. The proposal, I conceive to be similar to that which was made by Count Nesselrode to His Majesty's Plenipotentiary at Verona relative to the same object, as it effects Great Britain. The American Secretary of State, in apprising me of the communication received from Count Tuyl, expressed a desire that I would mention it to His Majesty's Government, and stating that Mr. Middleton would, in all probability, be furnished with the necessary powers and instructions suggested whether it might not be advantageous for the British and American Governments, protesting as they did against the claims of Russia, to empower their Ministers at St. Petersburg to act in the proposed negotiation on a common understanding. He added that the United States had no territorial claims of their own as high as the 51st degree of latitude, although they disputed the extent of those advanced by Russia, and opposed the right of that power to exclude their citizens from trading with the native inhabitants of those regions over which the sovereignty of Russia had been for the first time asserted by the late edict of the Emperor, and most particularly the extravagant pretension to prohibit the approach of the foreign vessels within 100 Italian miles of the coast.

At the same time that he submitted this overture for the consideration of His Majesty's Government, Mr. Adams informed me that he had received an account similar to that which lately appeared in the newspapers, and which has already been forwarded to your office, of an American trading vessel having been ordered away from the north-west coast by the command of a Russian frigate stationed in that quarter. He did not appear, however, to apprehend that any unpleasant consequences were likely to result from that occurrence, as it was understood that provisional instructions of a less exceptional tenour had been dispatched from St. Petersburg in compliance with the representations of foreign powers.

In bringing under your notice this overture of the American Government, respecting which I cannot presume to anticipate the sentiments of His Majesty's Cabinet, I have only to add that on asking Mr. Adams whether it was his intention to enter more largely upon the subject at present, I was informed in reply, that it would be desirable for him previously to know in what light the British Government was disposed to view the suggestion which he had offered. He appeared to be under an impression that the instructions and powers requisite for acting separately in this affair had already been transmitted to Sir Charles Bagot.

I have, &c.,
(Signed) STRATFORD CANNING.

No. 27.

MR. G. CANNING TO SIR. C. BAGOT.

(No. 12.)

FOREIGN OFFICE, July 12, 1823.

SIR,—I have the honour to enclose, for Your Excellency's information, the copy of a despatch received from His Majesty's Minister in America upon the subject of the Russian Ukase relating to the north-west coast of America, also of a letter from the Shipowners' Society upon the same subject, and of a memorandum of my reply to that letter.

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Your Excellency will observe, from Mr. Stratford Canning's despatch, that the Government of the United States are desirous to join with that of His Majesty in bringing forward some proposition for the definite settlement of this question with Russia.

We have no precise information as to the views of the American Government, Mr. Rush not having received any instructions upon the subject. It seems probable, however, that the part of the question in which the American Government is peculiarly desirous of establishing a concert with this country, is that which concerns the extravagant assumption of maritime jurisdiction. Upon this point, it being now distinctly understood that Russia waives all her pretensions to the practical exercise of the rights so unadvisedly claimed, the only question will be as to the mode and degree of disavowal with which Great Britain and the United States might be respectively satisfied.

Upon this point, therefore, such a concert as the United States are understood to desire will be particularly advantageous; because, supposing the disavowal made, there is no disposition on the part of His Majesty to press hard upon the feelings of the Emperor of Russia, and it certainly would be more easy for His Majesty to insist lightly on what may be considered as a point of national dignity, if he acted in this respect in concert with another maritime power, than to exact any less degree, either of excuses for the past or of security for the future, than that other power might think necessary.

Great Britain and the United States may be satisfied jointly with smaller concessions than either power could accept singly, if the demand of the others were likely to be higher than its own.

I therefore think it best to defer giving any precise instructions to Your Excellency on this point until I shall have been informed of the views of the American Government upon it.

In the meantime, however, you will endeavour to draw from the Russian Government a proposal of their terms, and we should undoubtedly come much more conveniently to the discussion, and be much more likely to concert an agreement upon moderate terms with the American Government, if a proposal is made to us, than to agree in originating one which would be satisfactory at once to both Governments and to Russia.

The other part of this question which relates to territorial claim and boundary is perhaps susceptible of a separate settlement. Of the two principles on which the settlement could be made, viz., joint occupancy or territorial demarcation, the latter is clearly preferable. A line of demarcation drawn at the 57th degree between Russia and British settlers would be an arrangement satisfactory to us, and would assign to Russia as much as she can pretend to be due to her. Your Excellency will therefore bring this suggestion forward, and acquaint me how far a formal proposition on this basis would be agreeable to His Imperial Majesty's Government. The arrangement might be made, if more agreeable to Russia, for an expirable period of ten or fifteen years.

I am, &c.,
(Signed) GEORGE CANNING.

P.S.—July 13. Since this despatch was written I have received from Mr. S. Canning the despatch of which I enclose a copy, by which Your Excellency will learn that instructions are to be sent to Mr. Rush to enter into discussion here (among other matters), upon the subject of the Ukase. There is nothing in this communication to vary the instructions herein given to Your Excellency.

G. C.

No. 30.

SIR C. BAGOT TO MR. CANNING.

Received September 23.

(No. 36.)

ST. PETERSBURG, August 19-31, 1823.

SIR,—Count Nesselrode being upon the eve of setting out to join the Emperor upon his journey through the interior, and it being probable that he will not return to St. Petersburg before the middle of November, I have thought it advisable, even in the absence of those further instructions, which you lead me to expect in your despatch No. 12 of the 12th of last month, to apprise him of the probability of Mr. Middleton and myself being soon instructed to act jointly in negotiating with him some proposition for the definite settlement of that part at least of the question growing out of the Imperial Ukase of the 8th September, 1821, which regards the maritime jurisdiction assumed by Russia in the North Pacific Ocean.

I have been induced to acquaint Count Nesselrode thus early with the fact, partly with the desire of ascertaining, as far as I could, the manner in which a combined measure of this kind would be viewed by the Imperial Government; and partly to

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ascertain whether his own absence would necessarily delay our negotiation upon this subject.

In respect to the first of these objects, I am happy in being able to state that the proposed concert of measures between His Majesty and the United States, so far from being unacceptable to Count Nesselrode, is considered by him, and principally for the same reasons which are assigned in your despatch as the most agreeable mode in which the question could be brought under discussion.

In regard to the second object, finding that Count Nesselrode received so favourably my intimation of the course we were about to pursue, I thought that I should best learn whether the Russian Government was prepared to proceed immediately to negotiate if I suggested to him, as I did, the facilities which it would probably afford to all parties if, instead of leaving to His Majesty the perhaps difficult task of originating a proposition upon the subject, which would be at the same time satisfactory both to the United States and to Russia, the Imperial Government themselves should propose some arrangement for our consideration, which, while it might protect the legitimate commercial interests of His Imperial Majesty's subjects, might also effectually save what was the great object of the negotiation—the dignity and rights both of His Majesty and the other maritime powers of the world.

Count Nesselrode received this suggestion exactly as I could have wished, and he seemed fully sensible of the delicacy shown towards the Imperial Government in proposing such a course. He said that he thought that he should probably receive His Imperial Majesty's orders to intrust M. Poletica (who, from his long residence in America, and his repeated discussions with the Government of the United States upon the subject, is supposed to be the person here who is most conversant with the whole question) to prepare, during the absence of the Emperor, such materials as may enable the Imperial Government, immediately upon the Emperor's return to St. Petersburg, to shape some such proposition as that which I had suggested, but he did not give me any reason to suppose that M. Poletica would be authorized to conclude an arrangement, or that anything could be definitely settled until after his own return.

In the meantime the American Minister here has not yet received his instructions referred to by Mr. Stratford Canning in his letter to you of 3rd May, a copy of which is enclosed in your despatch No. 12. I have, however, apprized him of the wish of his government to act in concert with that of His Majesty in this business of His Majesty's readiness to accede to this wish, and of the probability of his receiving, in the course of a very short time, precise instructions upon the subject. From the few general conversations which I have had with Mr. Middleton he does not seem at all desirous of pressing hardly upon the Imperial Government, and he appears to think that, in any sufficient public disapproval of the pretensions advanced in the Ukase can be obtained, his own government will be perfectly ready to lend themselves to whatever course may best save the feelings and pride of Russia.

Mr. Middleton now tells me what I was not before aware of, that he had last year, by the direction of the President, several interviews with Count Nesselrode and Count Capodistrias upon the subject of this Ukase, and that it was at length agreed that he should inquire officially what were the intentions of the Imperial Government in regard to the execution of it, an assurance being previously given that the answer which he should receive would be satisfactory. Mr. Middleton has been good enough to furnish me with a copy of this answer, which I now enclose. As, however, he considers the communication of the paper as personally confidential, I take the liberty of requesting that no public use be made of it.

In regard to the second part of this question, that which relates to the territorial claim advanced by Russia in respect to the north-west coasts of North America, I have explained to Count Nesselrode that the United States making no pretension to territory so high as the 61st degree of north latitude, the question rests between His Majesty and the Emperor of Russia alone, and becomes therefore a matter for separate settlement by the respective Governments.

I have suggested to him that this settlement may perhaps be best made by Convention, and I have declared our readiness to accede to one framed either upon the principle of joint occupancy or demarcation of boundary as the Russian Government may use I prefer, intimating, however, that in our view the latter is by far the most convenient. Count Nesselrode immediately and without hesitation declared himself to be entirely of that opinion, and he assured me that the chief if not the only object of the Imperial Government was to be upon some certainty in this respect.

This conversation took place before I had received your private letter in cypher of the 25th of last month, which reached me on the 11th instant by post. I had, however, taken upon myself to abstain from bringing forward any suggestion that the territorial arrangement should be made for an expirable period, as I thought it possible that such an arrangement might, in the end, be found to be inconvenient, and as it appeared to me that it was a proposition which I should at all events reserve for a later period of the discussion, when it might, in case of difficulties, be found an useful instrument of negotiation.

In a second interview which I have had with Count Nesselrode upon the subject of this separate negotiation, I told him that our pretensions had, I believed, almost extended to the 59th degree of north latitude, but that a line of demarcation drawn at the 57th degree would be entirely satisfactory to us, and that I believed that the Russian Government had in fact no settlements to the southward of that line. I am not, however, quite sure that I am right in this last assertion, as the Russian Settlement of Sitka, to which I am told that the Russian Government pretends to attach great importance, is not laid down very precisely in the map published in 1802 in the Quarter-Master-General's Department here, or laid down at all in that of Arrowsmith, which has been furnished to me from the Foreign Office. Be this, however, as it may, Count Nesselrode did not appear to be at all startled by the proposition. He said he was not enough acquainted with the subject to give an immediate answer to it, but he made a memorandum of what I said, and I hope shortly to be able to ascertain how far this Government may be inclined to accept a more formal proposition founded upon this basis.

I have, &c.,
(Signed) CHARLES BAGOT.

P.S.—Since writing the above I have again seen Count Nesselrode, who has informed me that he has received the Emperor's commands to put M. Poletica in direct communication with Mr. Middleton and myself upon the subject of that part of the Ukase in which it is proposed that we should act conjointly whenever Mr. Middleton shall have received the instructions which he expects from his Government.—C.B.

No. 31.

SIR C. BAGOT TO MR. G. CANNING.

Received November 17.

(No. 48, Confidential.)

ST. PETERSBURG, October 17, 1823.

SIR,—Mr. Hughes, the American Chargé d'Affairs at Stockholm, arrived here on the 16th instant, and has delivered to Mr. Middleton the instructions which I had already led him to expect from his Government upon the subject of the Imperial Ukase of September 4, 1821, and upon the concert of measures which the United States are desirous of establishing with Great Britain in order to obtain a disavowal of the pretensions advanced in that Ukase by this country.

As Mr. Hughes was the bearer of instructions upon the same subject to the American Minister in London, I may, I am aware, presume that Mr. Rush will have already communicated to you the view taken of this question by the United States, and I think it probable that you may have already anticipated this despatch by framing for my guidance such further instructions as, under that view, it may be thought necessary that I should receive. It may, nevertheless, be very desirable that I should lose no time in reporting to you the substance of some conversations which Mr. Middleton has held with me since the arrival of Mr. Hughes, and it is principally for this purpose that I now despatch the messenger Walsh to England.

Although Mr. Middleton has not communicated to me the instructions which he has received, I have collected from him, with certainty, what I had long had reason to suspect, that the United States, so far from admitting that they have no territorial interest in the demarcation of boundary between His Majesty and the Emperor of Russia to the north of that degree are fully prepared to assert that they have at least an equal pretension with those powers to the whole coast as high as the 61st degree, and an absolute right to parties of any subdivision of it which may now be made.

Unless I greatly misconceive the argument of Mr. Middleton, it is contended by the American Government that, in virtue of the Treaty of Washington, by which the Floridas were ceded by Spain to the United States, the latter are become possessed of all claims, whatever they might be which Spain had to the north-west coast of America, north of the 42nd degree of north latitude, and that when Great Britain, in the year 1790 disputed the exclusive right of Spain to this coast, the Court of Russia (as, indeed, appears by the declaration of Count Florida Blanca, and as it would, perhaps, yet more clearly appear by reference to the archives of the Foreign Department here) disclaimed all intention of interfering with the pretensions of Spain, and, consequently, all pretensions to territory south of the 61st degree, and that, therefore, any division of the coast lying between the 42nd and 61st degree ought in strictness to be made between the United States and Great Britain alone.

Mr. Middleton, however, admits that the United States are not prepared to push their pretensions to this extent. He says that they are ready to acknowledge that no country has any absolute and exclusive claim to these coasts; and that it is only intended

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by His Government to assert that, as heirs to the claims of Spain, the United States have, in fact, the best pretensions which any of the three powers interested can urge.

Assuming, upon these grounds, their right to a share in the division, the United States it seems, desire that, the division being made, the three Powers should enter into a joint convention mutually to grant to each other, for some limited period, renewable at the pleasure of the parties, the freedom of fishery and of trade with the natives, and whatever other advantages the coasts may afford; and Mr. Middleton has confidentially acquainted me that he has in fact received from his Government the 'project' of a tripartite convention to this effect, and he has communicated to me a copy, which I now inclose, of the full powers with which he has been furnished to negotiate such convention with the Plenipotentiaries of Great Britain and Russia.

As neither the instructions nor the powers which I have received in regard to this question were framed in contemplation of any such pretension as that which is now put forward by the American Government, I have explained to Mr. Middleton how impossible it is for me to proceed further with him in the business until I shall have received fresh instructions from you, and I have, with this knowledge, informed M. Poletica that I must, for the present, suspend the conferences (upon the territorial part of the question at least) into which he and I had already entered.

I cannot disguise from myself that, judging from the conversations which I have had, both with Count Nesselrode and M. Poletica, upon the general subject of the Ukase, these new, and, I must think, unexpected pretensions of the United States are very likely to render a satisfactory adjustment of this business a matter of more difficulty than I at first apprehended.

A full disavowal by Russia of her pretension to an exclusive maritime jurisdiction in the North Pacific Ocean, will, I have no doubt, be obtained; but I am strongly inclined to believe that this Government will not easily be brought to acknowledge the justice of any claim of the United States to any part of the territory in question north of the 51st degree, and, I am still more strongly inclined to believe that, division once made, this Government will never permit the United States, if they can prevent it, either to fish, settle or trade with the natives, within the limits of the territory which may be allotted to Russia.

I take this opportunity of enclosing to you a copy of the note which I received from Count Nesselrode the day before he left St. Petersburg, acquainting me that the Emperor had appointed M. Poletica to enter into preliminary discussion with Mr. Middleton and myself, upon the different questions growing out of the Ukase.

As it appeared by this note that M. Poletica was not empowered to treat, or indeed to pledge his Government to any precise point, I have abstained from entering with him as fully into the matter as I should have done had his powers been more extensive.

I had, however, two conversations with him previously to Mr. Middleton's receipt of his last instructions, upon the subject of territorial boundary as it regarded ourselves, and I then gave him to understand that the British Government would, I thought, be satisfied to take Cross Sound, lying about the latitude $57\frac{1}{2}^{\circ}$, as the boundary between the two powers on the coast, and the meridian line drawn from the head of Lynn Canal, as it is laid down in Arct Smith's last map, or about the 135th degree of west longitude, as the boundary in the interior of the continent.

M. Poletica, not being authorized to do more than take any suggestion of this kind *ad referendum*, I am of course not yet able to inform you, as I am instructed to do by your despatch No. 12, how far a more formal proposition on this basis, or on the basis of a line drawn at the 57th degree, as suggested in that despatch, might be agreeable to the Imperial Government. M. Poletica seemed to suggest the 55th degree as that which, in his opinion, Russia would desire to obtain as her boundary; and he intimated that it would be with extreme reluctance that Russia would, he thought, consent to any demarcation which would deprive her of her Establishment at Sitka, or rather at Novo-Archangel'sk.

Still, I should not altogether have despaired of inducing this Government to accept Cross Sound as the boundary; and though I am aware that in suggesting this point I put in a claim to something more than I am instructed to do in your despatch above referred to, I thought that it might be for the advantage of the negotiation if I reserved the proposition of the 57th degree to a later period of it, and, judging from the map, it appeared to me that it might be desirable to obtain, if possible, the whole group of islands extending along the coast.

But the discussion of this and all other points connected with settlement of boundary, seems necessarily to be suspended for the moment by the nature of Mr. Middleton's late instructions, and I shall not think it safe to venture further into the question until I shall have learnt the opinion of His Majesty's Government upon the pretensions advanced in those instructions by the United States.

I have, &c.,

(Signed) CHARLES BAGOT.

No. 40.

Mr. G. CAMPBELL TO MR. C. BAGOT.

(No. 2.)

FOREIGN OFFICE, January 15, 1824.

SIR,—A long period has elapsed since I gave Your Excellency reason to expect additional instructions for your conduct in the negotiations respecting the Russian Ukase of 1821.

That expectation was held out in the belief that I should have to instruct you to combine your proceedings with those of the American Minister; and the framing such instructions was, of necessity, delayed until Mr. Rush should be in possession of the intentions of his Government upon the subject.

Upon receipt of Your Excellency's despatch No. 48, reporting the arrival of Mr. Hughes at St. Petersburg, with the instructions of the Government of the United States to Mr. Middleton, I applied to Mr. Rush for information as to the tenour of those instructions. I then found, what I had not before been led to suspect, that Mr. Rush had himself authority to enter into negotiations with us as to the respective claims of Great Britain and the United States on the north-west coast of America; although he does not appear to have been instructed to invite such negotiations here, if we should prefer leaving it to be conducted at St. Petersburg.

It seemed, however, that it would greatly facilitate Your Excellency's task at St. Petersburg if we could come to some satisfactory understanding with Mr. Rush on the principles and leading points of the negotiation, and that, at all events, it was advisable to ascertain as much from Mr. Rush as might enable us to judge whether it would or would not be expedient to agree to the proposal of the United States for combining our several negotiations with Russia into one.

Such a combination has indeed already been proposed to us with respect to so much of our respective claims on Russia as turned upon the maritime pretension of the Russian Ukase. But that proposal has not been made in contemplation of the territorial question to which the pretensions of the United States have given a new and complicated character.

The object in applying jointly to Russia for a disavowal or qualification of her maritime pretension was at once to simplify and to soften to Russia that act of qualification or disavowal by enabling Russia to satisfy both powers at once without special and separate concessions. But as in the question of territorial limits Russia, at whatever point her pretension might be stopped, could have but one of the two Powers for her neighbour, there did not seem to be any obvious advantage in uniting both to her upon her together in the settlement of those limits.

It is true that as, while we confine upon the Russian territories the north, we also confine upon that of the United States to the south, we must at one time or other come to a settlement with each of those powers. But there is no obvious or urgent necessity for making these settlements simultaneous, especially as we have already a convention subsisting with the United States which suspends the necessity of any definite settlement with that Government for five years yet to come.

Whether, therefore, Your Excellency should be empowered, according to the desire of the Government of the United States, to negotiate and conclude a tripartite arrangement with Russia and the United States, or should be instructed to pursue that negotiation with Russia singly, according to the tenour of your present powers, was a question to be determined in a great measure by the more or less probability of a satisfactory understanding between Great Britain and the United States as to their relative claims as to their joint concerns in such negotiation.

Now we have good reason to believe that, in respect to the question of territorial dominion between us and Russia, an arrangement may be agreed upon which will satisfy the wishes and secure the convenience to both parties by a line of demarcation to be drawn between the southernmost settlement of Russia and the northernmost part of the North-west Company.

The most southern establishment of Russia on the north-west coast of America is Sitka, which is not laid down in our latest maps with sufficient exactness, but which appears by the Russian map published in 1821 to be situated, as the enclosed copy of a letter from Mr. Pelly, chairman of the Hudson's Bay Company, also represents it, in latitude 57°, and not (as the map of which a copy was inclosed to Your Excellency indicates) on the continent, but on a small island of the same name at the south of Norfolk Sound; the larger island contiguous thereto, forming (what is called by Vancouver) King George's Archipelago, are separated from each other by a strait, called Chatham Strait and from the mainland by another strait, called Stephen's Strait or passage. Whether the Russians have extended their settlements to these larger islands, is not known, but Mr. Pelly positively avers that they have no settlement on the mainland, nor any commerce to the eastward of the coast. He suggests, therefore, either the channel between the islands, or that between the islands and the mainland, as the most desirable line of demarcation to the east-west, which being agreed to, the line to the

southward might be drawn so as to comprehend Sitka and all the Russian settlements upon the islands. If this agreement could be obtained, it would effectually prevent all danger of a collision with Russia; and the United States not intending, as it is understood, to urge any claim in opposition to that of actual occupancy, whether on the part of Russia or Great Britain, in the latitudes in which the claims of Great Britain and Russia come in contact, the intervention of the United States in such an arrangement could be necessary only as an umpire.

Such an intervention in this case is not likely to be required, on account of an irreconcilable conflict between a Great Britain and Russia; nor would a power whose pretensions are (theoretically at least) in conflict with both parties be the fittest for such an office.

Your Excellency's despatch No. 48 describes latitude 55° as the point at which M. Poletica appeared to wish that the line of demarcation between Russia and Great Britain should be drawn. By a memorandum which I have received from Mr. Rush of what his Government would propose as a general settlement, it appears that latitude 55° is the point which the United States likewise have proposed for that same line of demarcation.

This coincidence certainly argues either a foregone understanding between Russia and the United States, or a disposition on the part of the United States to countenance and promote what they know to be the desire of Russia.

When to this statement I add that the United States propose, according to the aforesaid memorandum of Mr. Rush, to draw the line of demarcation between themselves and Great Britain at latitude 51°, the point at which the Russian pretension, as set forth in the Ukase of 1821, terminates, it does not seem very uncharitable to suppose that the object of the United States in making a selection, otherwise wholly arbitrary, of these two points of limitation for British Dominion, was to avoid collision with Russia themselves, and to gratify Russia at the expense of Great Britain. There is obviously no great temptation to call it such an Arbiter, if the partition between Russia and ourselves can be settled; as no doubt it can, without arbitration.

By admitting the United States to our negotiation with Russia, we should incur the necessity of discussing the American claim to latitude 51° at the same time that we were settling with Russia our respective limits to the northward.

But the question of the American claim is for the present merged in the Convention of 1818; and it would be a wanton increase of difficulties to throw that Convention loose, and thus to bring the question which it has concluded for a time into discussion precisely for a purpose of a coincidence, as embarrassing as it is obviously unnecessary.

If Russia, being aware of the disposition of the United States to concede her the limit of latitude 55°, should on that account be desirous of a joint negotiation, she must recollect that the proposal of the United States extends to a joint occupancy also, for a limited time, of the whole territory belonging to the three Powers; and that the Convention now subsisting between us and the United States gives that joint occupancy reciprocally to us in the territory to which both lay claim.

To this principle it is understood the Russian Government object; nor, so far as we are concerned, should we be desirous of pressing it upon them; but as between ourselves and the United States we are not prepared to abandon it, at least for the term for which the Convention of 1818 has to run. There would be some awkwardness in a tripartite negotiation which was not to be connected and concluded in all its parts upon an uniform principle.

These reasons had induced us to hesitate very much as to the expediency of acceding to the proposition of the United States for a common negotiation between the three Powers; when the arrival of the Speech of the President of the United States at the opening of the Congress supplied another reason at once decisive in itself, and susceptible of being stated to Mr. Rush with more explicitness than those which I have now detailed to Your Excellency, I refer to the principle declared in that Speech, which prohibits any further attempt by European Powers at colonization in America.

Upon applying to Mr. Rush for an explanation of this extraordinary doctrine, I found him unprovided with any instructions upon it. He said, indeed, that he had not heard from his Government since the opening of the Congress, and had not even received officially a copy of the President's Speech.

His conviction, however, was, that against whatever Power the President's doctrine was directed, it could not be directed against us. He appealed in support of that conviction to the existence of the Convention of 1818, by which we and the United States hold for a time joint occupancy and common enjoyment of all the territory on the north-west coast of America above latitude 42°.

It was obviously the impression on Mr. Rush's mind that this pretension on the part of his Government was intended as a set off against the maritime pretension of the Russian Ukase.

I do not mean to authorize Your Excellency to report this construction at St. Petersburg as that of an American Minister, but you will have no difficulty in stating it is one to which we think the President's Speech liable, as that indeed which appears to us to be by far the most probable construction of it; as such, it furnishes a conclusive reason for our not mixing ourselves in a negotiation between two parties whose opposite

pretensions are so extravagant in their several ways as to be subject not so much of practical adjustment as of reciprocal disavowal.

Mr. Rush is himself sensible of the new consideration which is introduced into the negotiation by this new principle of the President's that although he had hitherto urged with becoming pertinacity the adoption of the suggestion of the Government, he has, since the arrival of the President's speech, ceased to combat my desire to pursue the course already begun of a separate negotiation at St. Petersburg, and has promised to write by this messenger to Mr. Middleton to prepare him for Your Excellency's continuing to act upon your former instructions.

It remains, therefore, only for me to direct Your Excellency to resume your negotiation with the Court of St. Petersburg at the point at which it was suspended in consequence of the expected accession of the United States, and to endeavour to bring it as speedily to an amicable and honourable conclusion.

The questions at issue between Great Britain and Russia are short and simple.

The Russian Cause contains two objectionable pretensions; first, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominion.

As to the first, the disavowal of Russia is, in substance, all that we could desire. Nothing remains for negotiation on that head but to clothe that disavowal in precise and satisfactory terms. We would much rather that those terms should be suggested by Russia herself than have the air of pretending to dictate them; you will therefore urge Count Nesselrode to furnish you with his notion of such a declaration on this point as may be satisfactory to your Government. That declaration may be made the preamble of the Convention of limits.

As to the territorial question, I have already stated that the line of demarcation the most satisfactory to us would be one drawn through 'Chatham Strait,' the channel separating the island on which Sitka is situated from the island to the eastward of it, or if the Russians have establishments on that island also, then through the channel called 'Stephen's Passage,' which separates the whole archipelago from the mainland. If one or the other of these channels cannot be obtained as the boundary, then the line must be drawn on the mainland to the north of the northernmost post of the North-west Company from east to west till it strikes the coast, and thence may descend to whatever latitude may be necessary for taking in the island on which Sitka stands.

It does not appear from Your Excellency's despatch how far the line proposed by M. Poletien to be drawn at latitude 55° was intended to run to the eastward. If to the Rocky Mountains it, obviously, would be wholly inadmissible by us, inasmuch as the communication of the North-west Company from Canada through those mountains with the whole of the north-west country is in a higher latitude than 55°.

Neither has Russia any claim whatever to any inland territory approaching that latitude. She has no occupancy inland. Mr. Polley's Report denies that she has any even on the coast. And it is to the coast alone that discovery could, in the nature of things, give any title.

It is absolutely essential, therefore, to guard against any unfounded pretension, or any vague expectation of Russia to the eastward, and for this purpose it is necessary that whatever degree of latitude be assumed, a definite degree of longitude should also be assigned as a limit between the territorial rights of the two Powers.

If your Excellency can obtain the strait which separates the islands from the mainland as the boundary, the prolongation of the line drawn through that strait would strike the mainland near Mount Elias—the lowest point of unquestioned Russian discovery. But if that were so much to insist upon, the 135th degree of longitude, as suggested by your Excellency, northward from the head of Lynn's Harbour, might suffice.

It would, however, in that case, be expedient to assign with respect to the mainland southward of that point, a limit, say, of 50 or 100 miles from the coast, beyond which the Russian post should not be extended to the eastward. We must not on any account admit the Russian territory to extend at any point to the Rocky Mountains. By such an admission, we should establish a direct and complete interruption between our territory to the southward of that point, and that of which we are in possession to the eastward of longitude 135° along the course of the Mackenzie River.

As your Excellency had already made so much way in previous discussion, it is to be hoped that, on resuming the negotiation, very little time need be required to bring it to a conclusion. It is extremely important to conclude it as quickly as possible.

It being once decided not to negotiate jointly with the United States, we must take care to be out of the way while the discussions between Russia and the United States are going on; and the example of having come to agreement with us promptly and amicably on both points of litigation would, perhaps, be not less valuable to Russia in her subsequent discussions with the United States, than would have been the facility which we had in contemplation for Russia when we originally proposed that her disavowal of the maritime principle should be addressed simultaneously to us both.

At that time our claim to such disavowal and the claim of the United States were precisely alike; Russia had nothing to plead against either of us as a compensation for those claims. The principle put forth by the President of the United States has intro-

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duced a difference between the respective situations of the United States and Great Britain with respect to Russia which did not exist before. In the former state of things it might have been expedient, both for ourselves and for the United States, as well as less distasteful to Russia, to return an answer common to us both; but, as things stand now, Russia might naturally wish to qualify her answer to the United States with some reciprocal demand of explanation.

The only point of view in which the United States could now insist upon interfering with, or even taking cognizance of, the negotiation between us and Russia would be in order to see that the pretensions on the north-west coast of America derived to the United States from Spain, through the Treaty of 1819, were not prejudiced by our separate agreement.

That object cannot be more effectually provided for than by inserting into our Convention with Russia, as a protection for the claims of the United States, that part of the IIIrd article of the Convention concluded by us with the United States in 1818, which was inserted in that Convention for the protection of the claims of Spain herself in the rights which she had not then ceded. By that Article it is stipulated that the agreement between the two Contracting Parties "should not be taken to affect the claims of any other Power or State in any part of the said country." Such a clause Your Excellency will voluntarily propose to insert in the Convention which you are to conclude with Count Nesselrode; and you will apprise Mr. Middleton of your intention of proposing that insertion.

I am, &c.,
(Signed) GEORGE CANNING.

Enclosure 1 in No. 40.

(HUDSON'S BAY COMPANY TO MR. G. CANNING.)

HUDSON'S BAY HOUSE, LONDON, January 8, 1824.

SIR,—In reference to the conversation which I had the honour of having with you on Monday last, I beg to call your attention to my letter the 25th September, 1822, on the subject of the trading stations of the Hudson's Bay Company in the countries on the north-west coast of America.

In addition to what is therein stated, I have to inform you that it appears, by the intelligence received this last season, that our traders are extending their posts still farther to the northward in the country to the west of the Rocky Mountains.

It may be proper for me also to mention, that the Hudson's Bay Company have a chain of trading posts on the McKenzie's River, as far north as about 67° north latitude, and that Indians trade at those posts who come from the countries lying to the west of that River and to the north of 60° north latitude, and that our traders are extending their posts to the westward into that country.

The Russian station called 'Sitka' is an island, and can give no claim by occupation to any part of the continent. But, even if they had stations on the sea coast of the continent, this could not be held to give to Russia a better claim to a southern boundary on a line of latitude eastward than our stations in 67° north latitude gives to Great Britain to one on a line of latitude westward.

From a want of accurate knowledge of the courses of the river or ranges of mountains, it is difficult to suggest any satisfactory boundary in the interior of the country in question, and (if consistent with your views), it might, perhaps, be sufficient at present to settle a boundary on the coast only and the country 50 or 100 miles inland, leaving the rest of the country to the north of that point and to the west of the range of mountains which separate the waters which fall into the Pacific from those which flow to the east and north, open to the traders of both nations.

In this case, I would suggest the northern end of the inlet called Chatham Straits as the most southern point at which the coast boundary ought to be fixed. This is but a little (if at all) to the north of the most northern trading station in the country to the west of the Rocky Mountains.

The islands to the west of Chatham Straits may be given to Russia; but the Russians not to trade either on the coast or in the interior south of the boundary, and the British not to trade on the coast north of it.

If it is considered proper to fix at present the interior boundary, I would suggest a line drawn from the above-mentioned point at Chatham Straits due north, until it strikes the range of mountains which separate the waters (being the supposed continuation of the range called the Rocky Mountains), and thence to follow the ridge of these mountains to the Frozen Ocean.

This is the greatest concession which I think it would be advisable to make to Russia with regard to the interests of the British fur trade, and it would be desirable, as a means of preventing the risk of collision between the traders of the two nations, if Mount Elias on the coast at 60° north latitude was taken as the boundary point, from whence the line of longitude should be drawn.

I have, &c.,
(Sgd.) J. H. PELLY.

MEMORIAL RELATING TO THE NORTH-WEST COAST OF AMERICA.

The principal settlements of the Russian Fur Company in the North Pacific Ocean are on the Aleutian or Fox Islands, the Island of Kodiak being the great entrepôt or magazine of the peltries, which are collected in the neighbouring islands and from Cook's Inlet, Prince William Sound where, however, it does not appear the Russians have establishments inland, but the furs are collected by a coasting trader in the "baidarkat" or canoes.

Mr. G. S. Langsdorf, who accompanied Captain Krusenstern in his voyages in the years 1803, 1804, 1805, 1806 and 1807, in giving an account of the fur trade, gives the following statement and history of the settlement of Lielta :

"The constant decrease in the number of sea otters upon the coast of Kamschatka induced the Russians to extend their possessions eastward, first to the islands between the coasts of Asia and America and finally to the north-west coast of America."

Norfolk Sound appearing to present a favourable spot for an establishment, it was considered expedient to take possession of it. A fortress with proper warehouses and dwelling houses were built. . . . After a time the natives rose upon the Russians and killed almost the whole party. In the year 1804 the director, M. de Rosanoff, again took possession of it with a large force building a fortress and giving it the name of Kerr Archangel.

If present occupation gives to a government the right of possession, the occupancy of Norfolk Sound could not give to Russia a claim to the coast bordering on the islands or the interior mainland, and it does not appear that Russia has any ports or settlements on the north-west coast of America which would give Russia any right of claim to the country by present occupancy, except at a settlement called Bodega, which is on the coast of New Albion, in latitude 30° 30'.

The country of New Albion is covered with oak-ash pine timber of large dimensions, fit for ship-building, and on the coast of California, a very fine description of hemp is found. The land is capable of the highest state of cultivation, producing excellent wheat, potatoes, hemp, and all kinds of vegetables.

The Russians build vessels of large burden at their settlement, and under the pretext of encouraging the fur trade, have encroached so far south ; and in the year 1805 they sent a M. de Resanoff to negotiate with the Spanish Government for permission to form an establishment in New California, which negotiation, however, failed.

The Russian Government have, however, never lost sight of this place, and it is supposed are endeavouring to purchase the Californias from Spain ; the possession of which would not only enable the Russian Government to form a naval arsenal in the Pacific, and, under the pretext of encouraging the fur trade, to form a hardy race of seamen and bold adventurers, but would give to that Government the power of interfering with the liberties of South America.

Russia can have no claim to the country of New Albion by the right of first discovery. This right is claimed by Great Britain and Spain, but from various authorities it belongs, beyond a doubt, to Great Britain, which it would be of great importance to establish, should Spain have ceded the country to Russia.

In the year 1574, Abraham Ortelius, the geographer of the King of Spain, acknowledged that the north-west coast of America was quite unknown, and a few years after this declaration, Queen Elizabeth sent Sir Francis Drake on an expedition round Cape Horn, which he named Queen Elizabeth's Foreland, and he sailed as high as 48°, if not higher, landing at different places, and taking possession of the country, which he called New Albion, and which has been so named ever since.

It would thus appear the Russians have no claim to the coast, or to the mainland on the north-west coast of America, except to the land about Bodega, either by present occupancy or from first discovery, the land, which Icherikoff made in 1741, being the coast of Norfolk Sound and Island, and divided from the mainland by a broad channel, and as it does not appear that Russia has anywhere establishments or posts on the north west coast of America lower than Prince William's Sound, except Bodega which could give her the claim to present occupancy.

Great Britain has, however, establishments of posts up to 37°, trading with Indians to the northward, and a post on the Mackenzie River as high as 67° which are increasing by expeditions of discovery, and it may fairly and with great reason, be hoped that Captain Franklin in his expedition will discover and take possession, if no treaty to the contrary is made, of all the coast and country to the westward of Mackenzie River as far as Icy Cape.

No. 40.

(HUDSON'S BAY COMPANY TO MR. G. CANNING.)

Mr. Pelly presents his compliments to Mr. Secretary Canning, and as in the conversation he had with Mr. Canning he seemed to consider Mr. Faden's map as the most

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authentic (an opinion which in so important a question as that of settling a national boundary, it may, perhaps, be dangerous hastily to admit), Mr. Pelly has had the posts of the Hudson's Bay Company, in that part of the territory under consideration, marked on it; he has likewise had coloured the proposed line from Lynn Canal, the northern extremity of Chatham Strait, as well as the less objectionable one from Mount Elias.

The map is sent herewith, and likewise a copy of G. H. von Langsdorff's account of his voyage on the north-west coast of America, in the 4th chapter of which is a full description of Sitcha.

Mr. Secretary Canning will observe that Sitcha in this map is properly placed in Norfolk Sound on the island, called by us 'King Geo. III Archipelago,' and by the Russians 'New Archangel.' From occupation the Russians may be considered entitled to this Island, and probably to those of the north-west; but as the Russians have no settlement on any of the islands to the eastward, it is confidently expected by the Hudson's Bay Company that Chatham Strait will form the eastern boundary.

Hudson's Bay House, London, January 16, 1824

No. 44.

SIR C. BAGOT TO MR. G. CANNING. (RECEIVED APRIL 13.)

(No. 23.)

St. Petersburg, March $\frac{1}{2}$, 1824.

SIR,—It is with a feeling of considerable disappointment that, after a constant negotiation for more than six weeks, after having gone to the utmost limit of your instructions—and after having taken upon myself to go even far beyond them—I should nevertheless have to acquaint you that I have entirely failed in inducing the Russian government to accede to what I consider to be a fair and reasonable adjustment of our respective pretensions on the north-west coasts of North America, or to the adoption of any line of territorial demarcation which appears to me to be reconcilable under the spirit of your instructions, with our legitimate interest in that quarter of the world.

In order that I may put you in complete possession of the whole course of my negotiation upon this subject, and may explain the precise grounds upon which I have felt myself compelled to suspend, for the present, all further proceedings in this business, it will, I fear, be necessary, that I should enter into a detail of some length, and that I should load this despatch with several papers which are now become of importance.

It was on the 16th of last month that I had my first conference upon this question with the Russian Plenipotentiaries, Count Nesselrode and M. Poletica. I opened this conference by explaining to the Plenipotentiaries the reason for which His Majesty had judged it advisable to treat separately upon this matter, rather than, as it had been originally intended, in concert with the government of the United States. I then laid before them Count Lieven's note to you of the 31st January, 1823, proposing that the question of strict right should be provisionally waived on both sides, and that the adjustment of our mutual pretensions should be made upon the sole principle of the respective convenience of both countries.

This basis of negotiation being willingly accepted by all parties, I stated that, so far as I understood the wishes and interests of Russia, her principal object must be to secure to herself her fisheries upon the islands and shores of the north-west coasts of North America, and the posts which she might have already established upon them; that, on the other hand, our chief objects were to secure the posts upon the coast—belonging to the Hudson's Bay Company, the embouchures of such rivers as might afford an outlet for our fur-trade in the Pacific and the two banks of the Mackenzie River; that, in the belief that such were our respective objects, I would propose as our boundary a line drawn through Chatham Straits to the head of Lynn Canal, thence north-west to the 140th degree of longitude west of Greenwich, and thence along that degree of longitude to the Polar Sea.

This proposal was made by me verbally, and was taken for consideration by the Russian Plenipotentiaries, who, at our next meeting, offered a *contre-projet*, which I afterwards requested might be reduced to writing, and of which I enclose a copy. (In closure.)

In offering this *contre-projet*, Count Nesselrode seemed to intimate that, however disposed the Emperor might be to retract pretensions advanced by himself which might be thought to conflict with the interests of other powers, it would be asking too much of the Imperial dignity to require that pretensions advanced twenty-five years ago by the Emperor Paul, and which had been hitherto undisputed, should be now renounced. I thought it my duty, upon an intimation of this kind being made, to declare at once that all considerations of such a nature were incompatible with the stipulated basis of our negotiations, and that if the question of national dignity was to be touched, I, too, should have much to say upon that head, and should probably find it quite impossible to make those concessions which, upon the simple ground of mutual convenience, I

might perhaps without difficulty do. This explicit declaration had its desired effect, and the Russian Plenipotentiaries engaged not to introduce again arguments of this kind into our discussions.

As the *contre-projet* offered to me appeared to be, generally speaking, entirely inadmissible, I drew up such a modification of my original proposal as would, I thought, meet the only reasonable objection made to it (an objection made in conversation by the Russian Plenipotentiaries), viz., the inconvenience which Russia might experience by vessels of the United States claiming a right under their Convention with Great Britain, to visit the waters lying between King George's Archipelago and the islands and continent to the eastward of it, and which might, in this manner, seriously annoy the subjects of His Imperial Majesty in their pursuits and occupations upon those shores.

This modification of my first proposal will be found in the inclosed paper (Inclosure 2), which I delivered to the Russian Plenipotentiaries at our next Conference.

You will observe that in making the proposal so modified, I, in fact, exceeded, in some degree, the strict letter of your instructions by assigning to Russia the islands lying between Admiralty Island to the north, and Duke of York and Prince of Wales Islands to the south, but I entertained sanguine expectations that such a proposal, coupled with the concession of a line of coast extending 10 marine leagues into the interior of the continent, would have been considered as amply sufficient for all the legitimate objects which Russia might have in view, and quite as much as she could pretend to with any shadow of real claim or justice.

So far, however, from this being the case, my amended proposal was met at our next Conference by observations which I again requested might be reduced to writing, and which will be found in inclosed paper (Inclosure 3).

As, in this paper, parts of the main continent to which Russia cannot by possibility have ever acquired any claim, and of which Great Britain is at this moment actually in partial occupation, are offered to His Majesty in the light of concessions, it became necessary for me to reject any such offers as a boon in the most explicit terms, and you will find that I have not failed to do so in the inclosed paper (Inclosure 4) with which I replied to the paper in question.

As, however, I felt strongly the importance of adjusting this business, if possible, at the present moment, and as I felt also that, although the Russian Plenipotentiaries had, in consequence of my former remarks, agreed to waive altogether all question of national dignity in discussing it, His Imperial Majesty might yet possibly feel an invincible repugnance to retract from the pretensions advanced by the Emperor Paul in the Charter given to the Russian-American Company in 1799 (however unacknowledged by other Powers such pretension might have been), I thought that I should not act in opposition to the spirit at least of my instructions if, in deference to such a sentiment on the part of the Emperor, and with a view to finish the business quickly, I ventured to make yet one other proposition which, while it saved this point of dignity to Russia by giving to her the 55th degree of latitude as her boundary upon the islands, might preserve also uninterrupted or access to the Pacific Ocean, and secure to His Majesty the 56th degree of north latitude as the British boundary upon the coast.

The proposition by which I had hoped to effect these objects will also be found in the paper (Inclosure 4), in delivering which I gave it clearly to be understood that it contained my ultimate proposition.

It was not till the day before yesterday, that is, nearly ten days after I had given in this paper, that I was invited to another Conference, when I was informed that the Imperial Government had, after anxious consideration, taken their final decision and that they must continue to insist upon the demarcation as described by them in the first paper (Inclosure 1).

Finding this to be the case, I repeated that I had already gone far beyond the utmost limit of my instructions, and that I was sorry to say that I must now consider our negotiations as necessarily suspended, so far at least as the question of territorial demarcation was concerned.

Count Nesselrode then inquired whether I should object to transmit to my Court the final decision of himself and M. Pouterica as it is declared in the enclosed paper (Inclosure 5), and whether I did not think that His Majesty's Government, seeing how slight our disagreement was, might not be disposed to furnish me with such further instructions as would enable me to meet the views of the Russian Government, informing me, at the same time, that it was intended to acquaint Count Lieven by the courier, who is to be dispatched to-night to London, with the course which the negotiation had taken, and to instruct him to hold some conversation with you upon the subject.

I told Count Nesselrode that I should, of course, feel it to be my duty to transmit this and all other papers connected with the negotiation to you without loss of time, but that I could not by any means take upon myself to say what might be the opinion of His Majesty's Government as to the pretensions so tenaciously adhered to by the Imperial Government, further than by saying that certainly they were such as had never been contemplated by my Court in the instructions with which I had been as yet furnished, and that if a territorial arrangement perfectly satisfactory to both parties could not now be made, it might possibly be thought by my Government that our respective

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pretensions might still remain without any serious inconvenience in the state in which they had before stood, and that it would only be necessary for the present to confine their attention to the adjustment of the more urgent point of the maritime pretension—a point which would not admit of equal postponement.

In reply to this observation, Count Nesselrode stated, to my extreme surprise, that if the territorial arrangement was not completed, he did not see the necessity of making any agreement respecting the maritime question; and I found myself most unexpectedly under the necessity of again explaining very distinctly, both to him and to M. Poletica, that the maritime pretension of Russia was one which, violating as it did the first and most established principles of all public maritime law, admitted neither of explanation nor modification, and that my Government considered themselves possessed of a clear engagement on the part of Russia to retract in some way or other a pretension which could neither be justified nor enforced.

Here the matter rested; but I ought to state that, notwithstanding this unexpected observation of Count Nesselrode, I do not at all believe that, had we been able to agree upon our southern line of demarcation, we should have found any real difficulty either as regards the retraction of the maritime pretension, or as regards our western boundary or any of the other minor details which we should have been called upon to adjust; but the observation was made, and considering what has already passed upon this subject both here, in London and in America, considering also the delicacy with which His Majesty had left it to the Russian Government themselves to frame the terms in which their retraction of this preposterous pretension should be made, His Majesty's Government may perhaps think it advisable that Count Lieven should be again given clearly to understand that it is a point to which no slight importance is attached by His Majesty, and that the pretension as it now stands will admit of no remedy but that of public, formal and precise retraction in some shape or another.

Such has been the course of my late negotiation upon this question, and such the grounds upon which I have thought it my duty to suspend it for the present.

I know full well the inconvenience of breaking off such a negotiation in such a stage and upon a point which, judging only by the map, might perhaps appear of so little real importance to His Majesty's present interests, but when I consider by how much I have already exceeded my instructions, how more than doubtful is the real right of this Government to any part of the territory in most immediate dispute, and how much more exorbitant are their pretensions upon the north-west continent of America than I had before had reason to suspect, I certainly could not venture to take upon myself the heavy responsibility of making any further concessions of a territory the value and possible local advantages of which I had no means of estimating and which I believe are as yet so imperfectly known.

It is somewhat remarkable that whilst the Russian pretension of maritime jurisdiction stands unrecalled among the Ukases of the Imperial Government, a note such as that of which I herewith inclose a copy should have been addressed to me in the midst of our negotiations asking protection for a Russian ship to navigate in safety those very seas and visit those very shores which the Court of Russia has by such high-handed Decrees declared to be a part of her exclusive dominions, and a part, too, which the other Powers of the world are forbidden to approach.

I have not yet answered this note, but if I am pressed to do so before I can receive the instructions of His Majesty's Government in respect to it, I shall certainly grant the certificate required as was done in a former and similar instance by Lord Cathcart.

I have, &c.,

(Signed) CHARLES BAGOT.

Inclosure 1 in No. 44.

COUNTER DRAFT TO RUSSIAN PLENIPOTENTIARIES.

Les propositions faites par les Plénipotentiaires de Russie à Sir Charles Bagot, au sujet de son Excellence a été prise de prendre en maigre considération, tendaient à faire admettre le 55e degré de latitude septentrionale comme ligne de démarcation entre les possessions respectives sur la côte nord-ouest de l'Amérique.

Cette même limite a déjà été assignée aux possessions Russes par la Charte que feu l'Empereur Paul 1er accorde à la Compagnie Américaine.

Comme le parallèle du 55e degré coupe l'île du Prince de Galles dans son extrémité méridionale, laissant en dehors deux pointes de terre, les Plénipotentiaires de Russie ont proposé que ces deux pointes

The proposals made by the Russian Plenipotentiaries to Sir Charles Bagot, and which His Excellency has been requested to take into serious consideration tended to have the 55th degree of north latitude recognized as a dividing line between the respective possessions on the north-west coast of America.

This same limit has already been assigned to the possessions of Russia by the Charter which the late Emperor Paul I. granted to the American Company.

Inasmuch as the 55th degree of parallel intersects the Prince of Wales' Island at its southern end, leaving outside two points of land, the Russian Plenipotentiaries have proposed that these two points should be

fussent comprises dans les limites Russes, voulant éviter par là une division de territoire également incommode aux deux parties intéressées.

Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte.

De ce point, la limite remonterait le long de ces montagnes parallèlement aux sinuosités de la côte, jusqu'à la longitude du 139° degré (méridien de Londres), degré dont la ligne de prolongation vers le nord formerait la limite ultérieure entre les possessions Russes et Angloises au nord, comme à l'est.

Le motif principal qui force la Russie à insister sur la souveraineté de la lisière indiquée plus haut sur la terre ferme depuis le Portland Canal jusqu'au point d'intersection du 63° avec le 139° de longitude, c'est que, privée de ce territoire, la Compagnie Russe-Américaine n'aurait aucun moyen de soutenir les Etablissements qui seraient dès lors sans point d'appui, et qui ne pourraient avoir aucune solidité.

En revanche la Russie se ferait un devoir d'ouvrir aux sujets de Sa Majesté Britannique la libre navigation de tous les fleuves qui aboutissent à l'Océan dans cette même lisière.

Pour donner une dernière preuve de son empressement à aller au-devant des vœux du Gouvernement Anglois, elle ouvrirait aussi au commerce des sujets de Sa Majesté Britannique et à leurs vaisseaux, le port de Novo-Archangel'sk, dans le cas où les propositions ci-dessus seraient acceptées.

Inclosure 2 in No. 44.

AMENDED PROPOSAL BY SIR C. BAGOT.

Comme il a été convenu de prendre pour base de négociation les convenances mutuelles des deux pays, il est à remarquer, en réponse à la proposition faite par les Plénipotentiaires Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'île du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de là jusqu'aux montagnes qui bordent la côte, et de là le long de ces montagnes jusqu'à la longitude du 139° degré, etc., ôterait à Sa Majesté Britannique la souveraineté de toutes ces anses et de ces petites baies qui se trouvent entre les latitudes 56° et 54° 45' dont plusieurs (à ce qu'il y a tout lieu à croire) communiquent directement aux Etablissements de la Compagnie de Hudson's Bay, et seraient par conséquent d'une importance essentielle pour son commerce, tandis que de l'autre côté la Compagnie Russe-Américaine ne possède aucun Etablissement sur la terre ferme entre les deux parallèles susmentionnés, ni même sur l'île du Prince de Galles, ni sur les îles qui sont situées entre celle-ci et la terre ferme.

En acceptant la proposition faite par Sir Charles Bagot dans sa première conférence avec les Plénipotentiaires Russes, il n'y aurait (à ce qu'il paraît) qu'un seul inconvénient pour la Russie celui qui pourrait résulter du droit que réclameraient peut-

included within the Russian limits, intending thereby to avoid a division of territory inconvenient equally to the two parties interested in the case.

In order to complete the line of demarcation and to make it as distinct as possible, the Russian Plenipotentiaries have expressed the wish to make it follow the Portland Canal as far as the mountains which run along the coast.

From this point, the limit should ascend along these mountains equidistant from the sinuosities of the coast, as far as the 139th degree of longitude (meridian of London), the line of prolongation of which degree towards the north would constitute the ultimate limit between the Russian and the English possessions to the north as well as to the east.

The principal motive which forces Russia to insist upon retaining the sovereignty over the strip of land described previously on the mainland from the Portland Canal as far as the point of intersection of the 63rd degree of longitude with the 139th degree of the same, is that, if deprived of this territory, the Russian-American Company would be left without any means of supporting the Establishments which would thereby be left without any support and could not have any strength nor solidity.

As a compensation, Russia would consider it a duty to open to the subjects of His British Majesty the free navigation of all the rivers which empty into the Ocean within the said strip of land.

In order to give a final proof of his anxiety to meet the wishes of the British Government, she would also open to the trade of His British Majesty's subjects and to their vessels, the harbour of Novo-Archangel'sk, should the above mentioned terms be accepted.

As it has been agreed to recognize as basis of negotiation the mutual conveniences of both countries, it is to be noted, in answer to the proposal offered by the Russian Plenipotentiaries, that a dividing line, starting from the southernmost extremity of the Prince of Wales' Island and extending to the mouth of the Portland Channel, thence, by the middle of this channel until it reaches the mainland, thence to the mountains bordering the coast and from that point along the said mountains up to the longitude of the 139th degree, etc., the said line would deprive His Britannic Majesty of the sovereignty over these inlets and small bays which are to be found between the 56th and 54th 45' degree of latitude, many of which (as there is every reason to believe) communicate directly with the Establishments of the Company of Hudson's Bay, and would, consequently be of vital importance to its trade, while, on the other hand the Russian-American Company does not possess any settlements on the mainland between the two above-mentioned parallels, not even on the Prince of Wales' Island nor on the islands which lie between the aforesaid and the mainland.

In accepting the terms of the proposal made by Sir Charles Bagot, in his first conference with the Russian Plenipotentiaries, there would be (as it appears) only one inconvenience to Russia, that which might arise from the right which the United States

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être les Etats-Unis, en vertu de leur Convention avec la Grande-Bretagne de l'année 1818, de naviguer librement dans tous les parages entre l'île du Roi George et la terre ferme, et de gêner ainsi de quelque sorte le commerce des sujets de Sa Majesté Impériale dans ces eaux.

Pour obvier à cet inconvénient et pour assurer à la Russie l'entière souveraineté de ces parages, ainsi que toutes les îles et les côtes où il y a effectivement des Etablissements Russes, la Grande-Bretagne proposerait de prendre pour ligne de démarcation entre les territoires des deux Puissances une ligne tracée de l'ouest vers l'est, par le milieu du canal qui sépare les îles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles jusqu'à ce qu'elle touche la terre ferme.

De là se prolongeant dans la même direction sur la terre ferme jusqu'à un point distant de la côte de 10 lieues marines, la ligne remonterait de ce point vers le nord et le nord-ouest, parallèlement aux sinuosités de la côte, et toujours à la distance de 10 lieues marines du rivage, jusqu'au 140° degré de longitude (de Greenwich) dont elle suivrait alors du prolongement jusqu'à la Mer Polaire.

Inclosure 3 in No. 44.

OBSERVATIONS OF RUSSIAN PLÉNIPOTENTIARIES ON SIR C. BAGOT'S AMENDED PROPOSALS.

Le motif qui fait proposer l'adoption du principe des convenances mutuelles, et le premier avantage de ce principe, c'est d'empêcher que les Etablissements respectifs sur la côte nord-ouest ne puissent se nuire les uns aux autres et entrer en collision.

Les Etablissements Anglois de la Compagnie de la Baie de Hudson et du Nord-Ouest tendent à se porter vers l'ouest par les 53° et 54° degrés de latitude septentrionale.

Les Etablissements Russes de la Compagnie Américaine tendent à descendre au sud vers le 55° parallèle, et au-delà, car il est à remarquer que si la Compagnie Américaine n'a point encore formé d'Etablissements fixés sur la ligne mathématique du 55° degré, il n'en est pas moins vrai qu'en vertu de son privilège de 1799, contre lequel aucune Puissance n'a jamais réclamé, elle exploite la chasse et la pêche dans ces parages, et que régulièrement elle occupe les îles et les côtes avoisinantes dans la saison qui lui permet d'y envoyer ses chasseurs et ses pêcheurs.

Il étoit donc de la convenance mutuelle des deux Empires d'assigner de justes limites à des progrès réciproques qui ne pouvaient qu'occasionner avec le temps les plus fâcheuses complications.

Il étoit aussi de leur convenance mutuelle de déterminer ces limites d'après les séparations naturelles qui forment toujours les frontières les plus distinctes et les plus certaines.

C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du continent au sud, le Portland Canal, dont l'origine dans les terres est par le 50° degré de latitude nord, et, à l'est, la chaîne de montagnes, qui suit à une très petite distance les sinuosités de la côte.

D'après les Cartes les plus récentes et les meilleures publiées en Angleterre, les Eta-

would perhaps claim, in virtue of their Convention with Great Britain of the year 1818, of free navigation through the waters between the Island of King George and the mainland, thereby interfering in some way with the trade of His Imperial Majesty's subjects in these waters.

In order to remove this inconvenience and to confirm in favour of Russia the absolute sovereignty over these waters, and over all the islands and the coasts where there are actually to be found Russian Establishments, Great Britain would propose to take as a line of demarcation between the territories of the two Powers a line running from west to east, through the middle of the channel which divides the Prince of Wales' Islands and the Islands of the Duke of York from all the islands lying to the north of the said islands until it strikes the mainland.

Thence, extending in the same direction upon the mainland as far as a point 10 marine leagues distant from the coast: from this point the line would follow a northerly and north-westerly direction parallel to the sinuosities of the coast and always at a distance of 10 marine leagues from the shore as far as the 140th degree of longitude (of Greenwich) the prolongation or extension of which would be followed as far as the Polar Sea.

The motive which has prompted the adoption of the principle of mutual conveniences and the first advantage of this principle is to prevent the respective Establishments on the north-west coast from injuring each other and coming into conflict.

The English Establishments of Hudson's Bay Company and of the North-west Company show a disposition to extend towards the west by the 53rd and 54th degrees of north latitude.

The Russian Establishments of the American Company seem to move south towards the 55th parallel, and beyond, as it is to be observed that if the American Company has not yet formed permanent settlements on the mathematical line of the 55th degree, it is none the less a fact that in virtue of its privilege of 1799, against which no Power has ever entered a protest, they carry on the chase and fishing in these territories and that as a rule it occupies the islands and the adjoining coasts during the season which allows for the sending there of its hunters and fishermen.

It was then of a reciprocal convenience for the two Empires to assign proper limits to mutual improvements which with time could have only occasioned most serious complications.

It was also convenient that both parties should determine these limits, taking into consideration the natural division which always form the most distinct and indisputable frontiers.

For these reasons the Russian Plenipotentiaries have proposed as the limits on the coast of the continent, to the south, the Portland Canal, whose head is about the 50th degree of north latitude, and to the east the chain of mountains which follow at a very small distance the windings of the coast.

According to the most recent and best Maps published in England, the Establish-

blissements de la Compagnie de la Baie de Hudson ne se rapprochent des côtes que par le 53^e et le 54^e degré, et l'on ne saurait prouver que sur aucun point ils arrivent jusqu'au grand Océan.

Cependant, d'après le principe des convenances mutuelles, le projet d'arrangement des Plénipotentiaires de Russie laisse ouverts à l'extension successive des Colonies Anglaises :

1. Toute la partie de la côte entre l'embouchure de Portland Canal et le 51^e degré de latitude nord, envisagée comme des possessions Russes dans l'Oukase du 5^e Septembre, 1821.

2. Tout le territoire situé entre les Etablissements Anglois au 54^e parallèle et l'origine du Portland Channel, qui est au 50^e parallèle.

3. Tout le territoire situé derrière la chaîne de montagnes dont il a été question ci-dessus, jusqu'au point d'intersection du 138^e degré de longitude, méridien de Greenwich.

Les Plénipotentiaires de Sa Majesté Impériale, prévoyant même le cas où, sur la lisière de la côte qui appartiendrait à la Russie, il se trouveroit des fleuves au moyen desquels les Etablissements Anglois pourroient communiquer avec l'Océan, se sont empressés d'offrir, par une stipulation éventuelle, la libre navigation, de ces fleuves.

Ils ont, en outre, annoncé à Son Excellence Sir Charles Bagot que le port de Novo-Archangel'sk sera ouvert au commerce des sujets de Sa Majesté le Roi de la Grande-Bretagne.

D'autre part, les Plénipotentiaires de Russie ont l'honneur de lui observer itérativement, que sans une lisière sur la côte du continent à partir du Portland Channel, les Etablissements Russes des îles du voisinage n'auroient aucun point d'appui; qu'ils seroient à la merci de ceux que des étrangers formeroient sur la terre ferme, et que tout arrangement semblable, loin d'être fondé sur le principe des convenances mutuelles, ne présenteroit que des dangers à l'une des Parties et des avantages exclusifs à l'autre.

On ne parlera point ici des deux pointes de l'île du Prince de Galles, qui sont situées au-dessous de la ligne du 55^e degré de latitude nord. Ces deux pointes ne pourroient être d'aucune utilité à la Grande-Bretagne, et si les neuf-dixièmes de l'île du Prince de Galles appartiennent à la Russie, il est évidemment d'un intérêt réciproque que l'île appartienne tout entière.

Ce court exposé suffit pour justifier le projet que les Plénipotentiaires de Sa Majesté Impériale ont remis à Sir Charles Bagot, et sur la teneur duquel ils ne peuvent qu'insister.

Ils espèrent, au reste, que les intentions qui ont dicté ce projet seront appréciées tant par l'Ambassadeur de Sa Majesté Britannique que par son Gouvernement.

ments of the Hudson's Bay Company come near to the coast only towards the 53rd and 54th degrees and it cannot be proved that at any point they reach the Pacific Ocean.

However, according to the principle of mutual conveniences, the draft of agreement of the Russian Plenipotentiaries leaves open to the gradual extension of the English Colonies :

1. All that part of the Coast lying between the mouth of Portland Channel and the 51st degree of latitude north, considered as Russian possessions in the Ukase of September 5, 1821.

2. All the territory lying between the English Establishments on the 54th parallel and the head of Portland Channel, which lies by the 50th parallel.

3. All the territory situated behind the chain of mountains referred to previously, as far as the point of intersection of the 138th degree of longitude, meridian of Greenwich.

The Plenipotentiaries of His Imperial Majesty foreseeing even the case when on the strip of the coast which would belong to the Russia, there should happen to be rivers by means of which the English Establishments might have communication with the Ocean, have hastened to offer, by a temporary agreement, the free navigation of these rivers.

Moreover, they have notified His Excellency Sir Charles Bagot that the port of Novo-Archangel'sk would be opened to trade for the subjects of His Majesty the King of Great Britain.

On the other hand, the Russian Plenipotentiaries have the honour to remind him, once more, that without a strip of land on the coast of the continent from Portland Channel, the Russian Establishments on the adjoining islands would be left unprotected, that they would be left at the mercy of those Establishments which foreigners might form on the mainland, and that all settlement of this nature, from being grounded upon the principle of mutual conveniences, would offer only dangers to one of the parties and exclusive gains to the other.

Mention will not be made here of the two headlands of Prince of Wales' Island, which are situated below the line of the 55th degree of north latitude. The two headlands could not be of any use to Great Britain and if the nine-tenths of the Prince of Wales' Island belong to Russia it is evidently of a reciprocal interest that the whole island should belong to it altogether.

This short statement sufficiently justifies the draft which the Plenipotentiaries of His Imperial Majesty have delivered to Sir Charles Bagot, and upon the contents of which they cannot insist too much.

Moreover, they hope that the intentions which have prompted this draft will be equally appreciated by His Britannic Majesty's ambassador and by his Government.

Inclosure 4 in No. 44.

REPLY BY SIR C. BAGOT TO OBSERVATIONS OF RUSSIAN PLENIPOTENTIARIES.

La découverte ou la simple occupation de quelques îles situées sur la côte d'un continent ne peut donner aucun droit à la souveraineté de la terre ferme voisine, principe qui n'est pas moins fondé sur l'opinion reconnue des Juristes les plus célèbres, que sur l'usage universellement observé entre les nations.

The discovery or the mere occupation of some islands situated along the coast of a Continent, cannot give a right to the supremacy over the adjoining mainland, a principle which is based just as much upon the recognized opinion of the most noted Jurists as upon the usage universally observed between nations.

D'après ce principe, Sir Charles Bagot a constamment soutenu, dans les Conférences qu'il a eu l'honneur d'avoir avec les Plénipotentiaires de Russie, que Sa Majesté Britannique ne saurait admettre que les droits de la Russie sur la côte nord-ouest du Continent d'Amérique puissent s'étendre vers le midi sur ce continent au-delà où la Russie actuellement forme des Etablissements.

Il n'a jamais été affirmé par les Plénipotentiaires de Sa Majesté Impériale que la Russie possède des Etablissements quelconques sur la terre ferme au sud du 60^e ou 50^e degré de latitude nord, mais ils ont déclaré que, privée d'une lisière sur la terre ferme, la Compagnie Russie-Américaine n'aurait aucun moyen de soutenir ses Etablissements sur les îles, qui seraient dès lors sans point d'appui et ne pourraient avoir aucune solidité.

Tout argument fondé sur la considération de la convenance pratique de la Russie ne pouvait être que de plus grand poids, et le Plénipotentiaire de Sa Majesté Britannique n'hésita pas d'abandonner, en conséquence de cette observation des Plénipotentiaires de Russie, la ligne de démarcation qu'il avait d'abord proposée, savoir, celle qui devoit passer par le milieu de Chatham Straits jusqu'à l'extrémité septentrionale de Lynn Canal et de là à Mont Elias, ou à l'intersection du 140^e degré de longitude, et d'en proposer une autre qui assureroit à la Russie non seulement une lisière sur le continent, vis-à-vis de l'Etablissement le plus méridional qu'elle possède sur les îles, mais qui lui assureroit aussi la possession de toutes les îles et les eaux qui l'avoisinent, ou qui se trouvent placées entre cet Etablissement et la terre ferme, la possession enfin de tout ce qui pourroit devenir, par la suite, de quelque utilité, ou pour sa solidité ou pour sa prospérité.

Mais le Plénipotentiaire de Sa Majesté Britannique ne peut pas admettre que la Russie accorderoit ou assureroit à Sa Majesté Britannique un nouvel avantage par sa renonciation à la partie de la côte située entre l'embouchure du Portland Canal et le degré de latitude envisagé comme la limite des possessions Russes dans l'Ukaze de 1821, ni même par sa renonciation à toute partie du continent au midi des Etablissements qui y ont été déjà formés; car, quand même Sa Majesté Britannique eût jamais reconnu ce degré de latitude comme formant la ligne de démarcation en autant qu'il regarde les îles, elle ne pourroit, d'après le principe énoncé plus haut, l'avoir reconnu comme limite sur le continent voisin, sur lequel la Compagnie de la Baie de Hudson avoit déjà établi plusieurs de ses postes les plus importants.

Cette Compagnie a en effet des Etablissements même près de la côte au nord du 50^e degré; Sa Majesté Britannique ne pourroit donc sans sacrifier les intérêts de la Compagnie renoncer à ses droits à la souveraineté de la côte, et des îles qui en dépendent immédiatement, jusqu'à la hauteur de 56° 30' de latitude nord, quel que soit le degré de latitude que l'on pourroit définitivement convenir de prendre pour limite entre les deux Puissances, en autant qu'il concerne les îles situées plus à l'ouest.

L'origine du Portland Canal peut être, comme il y a lieu de croire, l'embouchure de quelque fleuve qui coule par le milieu du pays occupé par la Compagnie de la Baie de Hudson, et il est par conséquent d'une im-

portance dans les Conférences, Sir Charles Bagot a toujours contesté, dans les conférences auxquelles il a eu l'honneur d'être avec les Plénipotentiaires, que His Britannic Majesty could not admit that the rights of Russia over the north-west coast of the continent of America could be extended towards the south on this continent, beyond the point where Russia has, at this day, Establishments already founded.

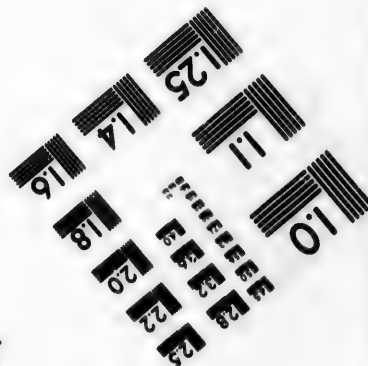
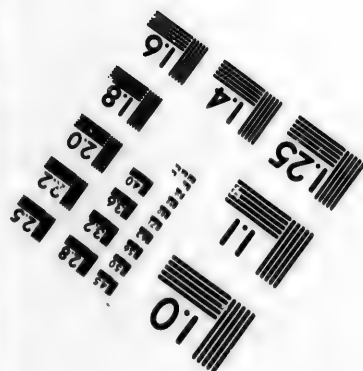
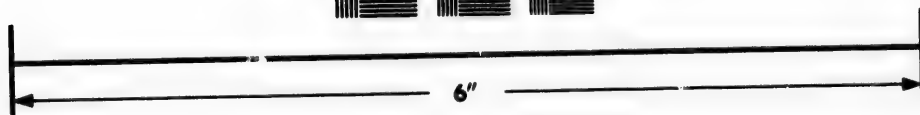
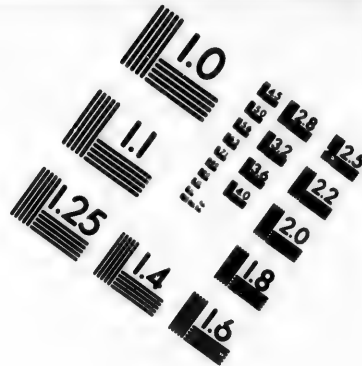
The Plenipotentiaries of His Imperial Majesty never expressed the opinion that Russia possesses any Establishments whatever on the mainland south of the 60th or 50th degree of north latitude, but they have declared that, without a strip of coast on the mainland, the Russian American Company would be left without means of supporting its Establishments upon the Islands, which would then be left without protection and could not have any stability.

Any argument, based upon the consideration of the practical convenience to Russia could not help but be of the greatest weight, and the Plenipotentiaries of His Britannic Majesty did not hesitate, in consequence of this observation of the Russian Plenipotentiaries, to give up the line of demarcation which he had, at first proposed, that is to say, the line which should have passed by the middle of Chatham Straits as far as the northern extremity of Lynn Canal, and from thence to Mount Elias, or to the intersection of the 140th degree of longitude, and to propose another line which would secure to Russia not only a strip of coast on the Continent, opposite to the southernmost Establishment which she possesses on the Islands, but which would secure to her also the possession of all the Islands and the waters adjacent, or which are to be found between this Establishment and the mainland, in a word the possession of anything which in the future might become of some utility either on account of its stability or for its prosperity.

But the Plenipotentiaries of His Britannic Majesty cannot admit that Russia would grant or receive to His Britannic Majesty a further advantage by her giving up that part of the coast lying between the mouth of Portland Channel and the degree of latitude considered as the limit of the Russian possessions in the Ukase of 1821, nor even by her giving up all claims to any part of the Continent south of the Establishments which have already been formed; then, whereas, even if His Britannic Majesty had ever recognized that degree of latitude as constituting the line of demarcation inasmuch as it affects the Islands, she could not, according to the aforesaid principle, have recognized it as a boundary on the neighbouring continent upon which the Hudson's Bay Company had already established many of its most important trading posts.

This Company has effectually some Establishments near the coast, north of the 50th degree; then His Britannic Majesty could not, without sacrificing the interests of the Company, abandon his rights to the sovereignty over the coast and the Islands contiguous thereto, as far as the 56° 30' of north latitude, whatsoever may be the degree of latitude which will be definitely agreed upon as boundary between the two Powers, inasmuch as it affects the Islands situated more to the west.

The head of Portland Channel may be, as there is reason to believe, the mouth of some river which runs through the middle of the territory occupied by the Hudson's Bay Company, and it is therefore of par-



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portance majeure à la Grande-Bretagne d'en posséder la souveraineté des deux rivières.

Ce fut dans l'espoir de pouvoir concilier ces objets indispensables avec ceux du Gouvernement Impérial, et déterminer sans plus de délai une question, qu'il parut être également de l'intérêt des deux parties de l'arranger définitivement au moment actuel, que le Plénipotentiaire de Sa Majesté Britannique eût l'honneur de proposer dans sa dernière Conférence avec les Plénipotentiaires de Russie, une ligne de démarcation, qui tout en conservant à la Russie pour limite méridionale sur les îles le degré de latitude désigné par l'Oukase de 1700, assigneroit en même temps à la Grande-Bretagne pour limite sur la côte de la terre ferme la latitude 50° 30' nord.

Il semble qu'une ligne tracée de l'extrémité méridionale du détroit nommé "Duke of Clarence's Sound" par le milieu de ce détroit, jusqu'au milieu du détroit qui sépare les îles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles, de là, vers l'est par le milieu du même détroit jusqu'à la terre ferme, et se prolongeant ensuite dans la direction, et de la manière déjà proposée par le Plénipotentiaire de Sa Majesté Britannique jusqu'à Mont Elias, ou à l'intersection du 140° degré de longitude, formeroit une ligne de démarcation qui concilierait les convenances mutuelles des deux Parties, et qui assureroit peut-être d'une manière satisfaisante les intérêts réciproques tant actuels que futurs des deux Empires dans cette partie du globe.

amount importance for Great Britain to possess the sovereignty over both shores.

It was in the hope of conciliating these most important points with the views of the Imperial Government, and without any further delay settling a question which it seemed to be the interest of both parties to have definitely arranged at the present moment, that the Plenipotentiary of His Britannic Majesty had the honour to, in his last Conference with the Russian Plenipotentiaries, to propose a line of demarcation which, while securing to Russia as its southern boundary to the islands, the degree of latitude mentioned by the Ukase of 1700, would, at the same time, assign to Great Britain as boundary on the mainland coast the latitude of 50° 30' north latitude.

It seems that a line drawn from the southern extreme end of the Straits called "Duke of Clarence's Sound," through the middle of this strait as far as the middle of the straits which divides the Prince of Wales and the Duke of York's Islands from all the islands lying to the north of the aforesaid islands, from thence eastward, through the middle of the same channel as far as the mainland, and extending therefrom in the same direction and manner already proposed by the Plenipotentiary of His Britannic Majesty as far as Mount Elias, or to the intersection of the 140th degree of longitude, should form a line of demarcation which would conciliate the mutual conveniences of both Parties and would perhaps secure in a satisfactory way the reciprocal interests, present and future, of both Empires in that part of the world.

Inclosure 5 in No. 44.

FINAL DECISION OF RUSSIAN PLENIPOTENTIARIES.

Les Plénipotentiaires de Russie ont porté à la connaissance de l'Empereur, leur Maître, les dernières propositions que leur ont été faites par Sir Charles Bagot, relativement à la ligne de démarcation qui séparerait les possessions Russes des possessions Angloises sur la côte nord-ouest du Continent de l'Amérique.

Attentivement examinées par Sa Majesté Impériale, ces propositions ne lui ont point paru de nature à pouvoir être acceptées.

L'Empereur charge ses plénipotentiaires de déclarer itérativement à M. l'Ambassadeur d'Angleterre :

Que la possession de l'île du Prince de Galles, sans une portion de territoire sur la côte située vis-à-vis de cette île, ne pourroit être d'aucune utilité à la Russie.

Que tout Etablissement formé sur la dite île, ou sur celles qui l'environnent, se trouverait en quelque sorte tourné par les Etablissements Anglois de la terre ferme, et complètement à la merci de ces derniers.

Qu'en conséquence un arrangement semblable ne serait nullement conforme au principe des convenances mutuelles.

Qu'au reste, d'après le témoignage des Cartes les plus récentes publiées en Angleterre, il n'existe aucun Etablissement Anglois ni sur la côte même du continent ni au nord du 54° de latitude septentrionale.

Qu'ainsi, quand les limites fixées aux possessions Russes par la Charte de 1700, n'auroient point en leur faveur depuis vingt-cinq ans le consentement tacite de toutes les Puissances, encore la Russie exerceroit-elle sur cette partie de la côte précisément les mêmes droits que la Grande-Bretagne,

The Plenipotentiaries of Russia have brought to the knowledge of the Emperor, their master, the last proposals which have been laid before them by Sir Charles Bagot with regard to the line of demarcation which would separate the Russian possession from the English possession on the north coast of the Continent of America.

Carefully examined by His Imperial Majesty, these proposals have not appeared to be of such a nature that they could be accepted.

The Emperor instructs his plenipotentiaries to declare iteratively to the Ambassador of England :

That the possession of Prince of Wales' Island, without a portion of territory on the coast opposite this island could not be of any use to Russia.

That any establishment formed on the said island or on those around it would, in some manner, be turned by the English establishments of the mainland and be completely at the mercy of the latter.

That therefore such an arrangement would not be conformable in any manner to the principle of mutual convenience.

That moreover from the examination, testimony of the most recent maps published in England, there are evidently no English settlements on the coast even of the continent nor north of the 54th degree of north latitude.

That therefore even if the limits assigned to the Russian possession by the charter of 1700, did not have in their favour for the last twenty years, the tacit acceptance by all the Powers, still Russia would exercise on that portion of the coast precisely the same right as Great Britain ; hence

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d'où il résulte que la question devrait toujours être résolue, non d'après les intérêts exclusifs d'un des deux Empires, mais de manière à concilier leurs intérêts réciproques.

Qu'enfin, quant à la navigation des fleuves, la Russie croyait avoir offert à la Grande-Bretagne tous les avantages et toutes concessions que celle-ci peut désirer.

Et que dans cet état de choses les Plénipotentiaires de Sa Majesté Impériale avaient ordre d'insister sur leurs propositions antérieures, propositions dont ils ont amplement développé les motifs à son Excellence M. le Chevalier Bagot.

L'Empereur espère que ces motifs seront appréciés par le Gouvernement de Sa Majesté Britannique, et que M. l'Ambassadeur d'Angleterre les fera valoir avec ce désir de rapprocher les opinions respectives qu'il a manifesté dans tout le cours de cette négociation.

Sa Majesté Impériale est au regret de ne pas la voir terminée dès à présent; mais elle se flatte que les résolutions définitives du Cabinet de Londres empêcheront sans doute ces pourparlers de demeurer stériles.

Saint-Petersbourg, le 11 Mars, 1824.

It is inferred that the question should always be resolved not from the exclusive point of view of the interests of one of the two Empires, but in such a manner as to conciliate their reciprocal interests.

That finally with regard to the navigation of the rivers, Russia thought she had offered to Great Britain all the advantages and concessions that the latter could desire.

And that this being the case, the plenipotentiaries of His Imperial Majesty had been instructed to insist on their former proposition, motives of which have been fully explained by them to Sir Charles Bagot.

The Emperor hopes that these motives will be appreciated by the government of His Britannic Majesty and that the Ambassador of England will bring them forth with that desire to conciliate the respective opinions which he has shown all through this negotiation.

His Imperial Majesty regrets to see it not brought to an end at present, but he is in hopes that the final resolutions of the London Cabinet will prevent, without doubt, these conferences from falling through.

Saint-Petersbourg, the 17th-20th March, 1824.

Inclosure 6 in No. 44.

MEMORANDUM.

La Compagnie Russe-Américaine a été munie à différentes époques de la part des Missions étrangères accréditées près la Cour Impériale de Russie de certificats destinés à assurer appui et protection aux navires que la dite société dirige vers les contrées soumises à la domination des Puissances amies.

Sachant apprécier tous les avantages d'une assistance aussi efficace, la Compagnie vient de s'adresser au Ministère Impérial dans le but d'obtenir par son intervention une lettre de protection d'usage pour le vaisseau "*Hélène*," commandé par le Lieutenant de la Marine Tchistakoff.

Ce bâtiment, dont la destination est de porter des provisions aux Colonies de la Compagnie, s'occupera en même temps de recherches scientifiques dans les parages vers lesquels il dirige au cours.

En conséquence, le Soussigné a l'honneur de prier Son Excellence M. le Chevalier de Bagot, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, de vouloir bien lui transmettre, à l'usage du Lieutenant Tchistakoff, un certificat lequel, en spécifiant le but de l'expédition, déclarerait en faveur du commandant et de l'équipage un accueil hospitalier, et s'ils se trouvaient dans le cas d'y avoir recours, une assistance efficace de la part des autorités Britanniques.

Le Soussigné se plairait à reconnaître dans un accueil favorable à la demande qu'il vient d'exprimer au nom de la Compagnie Russe-Américaine une nouvelle preuve des relations amicales qui existent entre les deux Cours, et il salue, etc.

(Signé) NESSELEODE.

St-Petersbourg, le 12 Mars 1824.

The Russian-American Company has been supplied, at different times, by the Foreign Missions having credentials for the Imperial Court of Russia, with certificates designed to insure help and protection to the ships which the said company sends towards the countries under the dominion of friendly powers.

Fully aware of the advantages of such an effective assistance, the company has just applied to the Imperial Ministry, with a view of securing by its intervention an ordinary letter of protection for the ship *Hélène*, commanded by the Marine Lieutenant Tchistakoff.

The ship, whose mission is to transport provisions to the companies' settlements will, in the meantime, undertake scientific researches in the regions towards which it is to sail.

Therefore, the undersigned has the honour to request His Excellency Sir Charles Bagot, ambassador extraordinary and plenipotentiary of His Britannic Majesty, to kindly forward for the use of Lieutenant Tchistakoff, a certificate which, while specifying the object of the expedition, would claim in favour of the commandant and the crew, an hospitable reception and if needed, an effective assistance from the British authorities.

The undersigned would find it agreeable to recognize, in a favourable reply, to the request which he has made on behalf of the Russo-American, another proof of the friendly relations existing between the two courts.

(Signed) NESSELEODE.

St. Petersburg, 12th March, 1824.

Count Nesselrode to Count Lieven.

SAINT-PETERSBOURG, le 17 avril 1824.

M. LE COMTE.—Par mes dépêches du 17 de ce mois, j'ai fait connaître à votre Excellence les résultats peu satisfaisants de nos négociations avec Sir Charles Bagot, relatives aux frontières qui doivent séparer les possessions Russes des possessions Angloises sur la côte nord-ouest de l'Amérique. Aujourd'hui, M. le Comte, je vous développerai les motifs qui ne nous ont pas permis d'accepter les propositions de l'Ambassadeur d'Angleterre.

Pour ne pas entrer sans nécessité dans de trop longs détails, je me bornerai à discuter ici le point de la question sur lequel nous n'avons pu tomber d'accord.

L'Oukase du 4 Septembre 1821, avait porté jusqu'au 51° de latitude septentrionale les limites des domaines de la Russie sur la côte nord-ouest du Continent Américain. Cependant l'Empereur s'étant convaincu que presque à la même époque la Compagnie Angloise de la Baie d'Hudson avait formé des Etablissements par les 53° et 54° de latitude septentrionale, que ces Etablissements n'étoient même plus très éloignés de la côte, nous autorisa à donner, des l'ouverture des négociations, une preuve de nos intentions conciliantes, en déclarant à Sir Charles Bagot que nous nous tiendrions aux limites assignées à nos possessions Américaines par la Charte de l'Empereur Paul, qu'en conséquence la ligne du 55° degré de latitude septentrionale, constituerait au midi la frontière des Etats de Sa Majesté Impériale, que sur le continent et vers l'est, cette frontière pourroit courir le long des montagnes qui suivent les sinuosités de la côte jusqu'au Mont-Elle, et que de ce point jusqu'à la Mer Glaciale nous fixerions les bornes des possessions respectives d'après la ligne du 140° degré de longitude ouest méridien de Greenwich.

Afin de ne pas couper l'île du Prince de Galles, qui selon cet arrangement devoit rester à la Russie, nous propositions de porter la frontière méridionale de nos domaines au 54° 40' de latitude et de la faire aboutir sur le Continent au Portland Canal, dont l'embouchure dans l'Océan est à la hauteur de l'île du Prince de Galles et l'origine dans les terres entre le 55° et 54° de latitude.

Cette proposition ne nous assuroit qu'une étroite lièrre sur la côte même, et elle laisoit aux Etablissements Anglois tout l'espace nécessaire pour se multiplier et s'étendre.

Vous verrez, M. le Comte, par les pièces ci-jointes, qu'en outre nous annonçons l'ouverture de Port de Novo-Archangelak et que nous promettons la libre navigation des fleuves qui se trouvoient sur notre territoire.

Après quelques discussions, les dernières contre-propositions de Sir Charles Bagot furent de comprendre toute l'île du Prince de Galles dans les possessions de la Russie, mais de stipuler que notre frontière suivroit de cette île la passe dite *Duke of Clarence's Sound*, et qu'elle n'aboutiroit à la côte qu'au-dessus du 56° de latitude septentrionale.

Cette différence, si on la considère sur la Carte, paroit insignifiante au premier coup d'œil ; elle est néanmoins si essentielle pour nous, qu'il nous est absolument impossible d'adhérer au plan de démarcation tracé par le Plénipotentiaire de Sa Majesté Britannique.

Nous lui avons exposé, dans notre réponse à sa seconde note verbale et dans notre ré-

ST. PETERSBOURG, April 17th, 1824.

M. le Comte.—By my despatches of the 17th of this month I have brought to the notice of Your Excellency the unsatisfactory results of our negotiations with Sir Charles Bagot concerning the frontiers which must separate the Russian possessions from the English possessions, on the north-west coast of America. I shall to-day, M. Le Comte, lay out the motives which have prevented us from accepting the proposal of the British Ambassador.

In order to avoid too long details I shall restrict myself to discuss the point of the question on which we have failed to agree.

The Ukase of September, 1821, had carried up to the 51° degree of north latitude the limits of the domain of Russia on the north-west coast of the American continent.

The Emperor, however, having been convinced that about the same time the English Company of Hudson Bay had formed settlements in the 53 and 54 degrees of north latitude and that these settlements were not even very far from the coasts, authorized us to give, at the very opening of the negotiations, a proof of his conciliatory intentions, by declaring to Sir Charles Bagot that we would hold to the limits assigned to our American possessions by the charter of the Emperor Paul, that therefore the line of the 55 degree of north latitude would constitute the southern frontier of His Imperial Majesty's possessions, that on the continent and towards the east this frontier could run along the mountains which follow the windings of the coast as far as Mount Elles and that from this point up to the Arctic Ocean, we would fix the boundaries of the respective possessions according to the line of the 140 degree of west longitude (Greenwich meridian).

In order to avoid intersecting the Prince of Wales' Island, which according to this arrangement, should belong to Russia, we proposed to carry the southern frontier of our domains to the 54 degrees 40' of latitude and to make it strike on the continent the Portland Canal, the mouth of which on the ocean, lies at the height of Prince of Wales' Island and the head inland between the 55 and 56 degree of latitude.

This proposition only secured to us a narrow strip on the coast itself and left to the English establishments all the space required for their increase and extension. You will see, M. Le Comte, by the enclosed documents that we announced, moreover, the opening of the port of New Archangel and that we promised the free navigation of the rivers which run through our territory. After some discussion the last counter-drafts of Sir Charles Bagot were to the effect that all Prince of Wales' Island should be included in the Russian possession, but to stipulate that our frontier should follow from that island the pass called Duke of Clarence Sound and that it would strike the coast only above the 56th degree of north latitude.

This difference, if considered on the Map, seems, at first sight to be of no importance ; it is however such a material point to us, that it is entirely impossible for us to acquiesce in the proposed demarcation as traced by the Plenipotentiary of His Britannic Majesty.

In our answer to his second verbal note, and in our rejoinder of the 18th March, we

plique du 18 Mars, des considérations que nous ne pouvons perdre de vue et qui nous semblent décisives. L'empereur vous charge, M. le Comte, d'inviter le Cabinet de St. James à les peser avec la plus mûre attention, et Sa Majesté se fait qu'à la suite d'un examen impartial il s'empresse lui-même de reconnaître combien nos raisons sont graves et légitimes.

En premier lieu, aucun Etat n'a réclamé contre la Charte de l'Empereur Paul, et ce silence universel peut et doit être envisagé comme une reconnaissance de nos droits.

On nous objecte que nous n'avons pas formé d'Établissements établis sur la côte nord-ouest au-dessous du 57^e de latitude. Cela est vrai, mais dans la saison de la chasse et de la pêche la côte et les eaux avoisinantes sont exploitées par notre Compagnie Américaine bien au-delà du 55^e et du 54^e parallèle. Ce genre d'occupation est le seul dont ces parages soient susceptibles, ou du moins le seul qui soit nécessaire lorsqu'un peu plus au nord on a fondé et organisé des Colonies. Nous sommes donc pleinement en droit d'insister sur la continuation d'un bénéfice que notre commerce s'est assuré dès l'année 1790, tandis que les Compagnies Anglaises de la Baie d'Hudson et du Nord-Ouest ont à peine atteint depuis trois ans le voisinage de ces latitudes, tandis qu'elles n'occupent encore aucun point qui touche à l'Océan, et qu'il est notoire que c'est pour l'avenir seulement qu'elles cherchent à s'y ménager les profits de la chasse et de la pêche. Ainsi nous voulons conserver, et les Compagnies Anglaises veulent acquiescer. Cette seule circonstance suffit pour justifier nos propositions. Elles ne sont pas moins conformes au principe des convenances mutuelles, qui doit servir de base à la négociation.

Si l'île du Prince de Galles nous demeure, il faut qu'elle puisse nous être de quelque utilité. Or, d'après le plan de l'Ambassadeur d'Angleterre, elle ne serait pour nous qu'une charge et presque un inconvénient. Cette île, en effet, et les Établissements que nous formerions, se trouveraient entièrement isolés, privés de tout soutien, enveloppés par les domaines de la Grande-Bretagne et à la merci des Établissements Anglois de la côte. Nous nous épuiserions en frais de garde et de surveillance dont aucune compensation n'allégerait le fardeau. Un arrangement pareil reposerait-il sur le principe des convenances mutuelles ?

Nous invoquons toutefois ce principe avec d'autant plus de justice que l'Angleterre elle-même a prouvé par un acte authentique qu'elle regardait comme douteux ses droits sur le territoire dont elle demande l'abandon. La Convention passée le 20 Octobre, 1818, entre la Cour de Londres et les États-Unis, déclare propriété commune des deux puissances pour dix ans toute l'étendue de pays comprise entre les *Rocky Mountains*, l'Océan Pacifique, et les possessions Russes. Les titres des États-Unis à la souveraineté de ce pays sont donc aussi valables que ceux de l'Angleterre. Cependant le Cabinet de Washington a reconnu que nos limites devaient descendre jusqu'au 54° 40'. Il l'a reconnu par une transaction formelle que nous venons de parapher avec son Plénipotentiaire et cette reconnaissance a point pour conséquence unique de fortifier nos arguments, elle nous procure d'autres résultats auxquels nous attachions avec raison le plus haut intérêt.

Tranquilles de ce côté, nous n'avons maintenant aucune crainte à nourrir, et le Cab-

have given utterance to considerations which we cannot overlook and which appear to us as decisive. The Emperor bids you, Mr. le Comte, to invite the Cabinet of St. James to take them into consideration most seriously and His Majesty hopes that after an impartial examination, he will himself hasten to acknowledge how serious and legitimate are our motives.

In the first place, no Power has protested against the Charter of Emperor Paul, and this general silence can and must be considered as an admission of our rights.

It has been objected that we have not founded permanent Establishments on the north-west coast south of the 57th degree of latitude. This is true, but during the hunting and fishing season, the coast and the adjoining waters are visited for that purpose by our American Company much further than the 55th and 54th parallel. This mode of occupation is the only one practicable in these regions, or at least the only one necessary when a little further north we have established and organized Colonies. We are then fully justified in pressing the continuance of a privilege which our trade has secured since the year 1790, whereas the English Companies of Hudson Bay and of the North-west have hardly, within the last three years reached the neighbourhood of these latitude, whilst they do not yet occupy any point contiguous to the Ocean, and that it is a known fact that it is only for the future that they are endeavouring to secure the benefits of the fur trade and of fishing. In short, we desire to keep and the English Companies want to acquire. This view alone is sufficient to justify our proposals. It is none the less in conformity with the principle of mutual conveniences which must serve as a basis to the negotiation.

If the Prince of Wales Island remains ours, it must be of some utility to us. Now, according to the view of the English Ambassador it would be only a burden to us and almost an inconvenience. Indeed, this Island and the Establishments which would be founded by us, would become altogether isolated, deprived of all support, surrounded by the possessions of Great Britain and at the mercy of the English establishments on the Coast. The cost of maintenance and of supervision would be ruinous the burden of which would not be relieved by any compensation. Would an agreement of this nature rest upon the principle of mutual conveniences ?

However, we appeal to that principle with the more justice that England herself has demonstrated by an authentic deed that she considered as doubtful her pretensions upon the territory the abandonment of which she is requesting. The Convention agreed to on 20th of October, 1818, between the Court of London and the United States recognises as property common to both Powers, for ten years, all that extent of Country lying between the Rocky Mountains, the Pacific Ocean and the Russian dominions. The titles of the United States to the Sovereignty over this country are then as valid as those of England. However, the Washington Cabinet has admitted that our frontier should extend south as far as the 54° 40'. They have admitted it by a formal transaction which we have just initialed with its Plenipotentiary ; this acknowledgement does not strengthen our pretensions, but it entails other results which we considered with reason of the utmost interest to us.

Feeling secure on this point we have now no fear to entertain and the Cabinet of Lon-

net de Londres conviendrait sans doute qu'un tel état de choses augmente le prix des sacrifices que nous lui offrons. Déjà il existe une différence de près de quatre degrés entre la démarcation de l'Oukase du 4-16 Septembre 1821, et celle que nous indiquons aujourd'hui. Les Etablissements des Compagnies Angloises peuvent occuper cet intervalle. A l'est ils peuvent unir les deux côtes de l'Amérique; au midi rien n'empêche qu'ils n'acquiescent une extension considérable. Pour nous, nous bornons nos demandes à celle d'une simple lisière du continent, et afin de lever toute objection, nous garantissons la libre navigation des fleuves, nous annonçons l'ouverture du port de Novo-Archangelak.

La Russie ne saurait pousser plus loin ses concessions. Elle n'en fera pas d'autres, et elle est autorisée à en attendre de la part de l'Angleterre; mais encore une fois, elle ne réclame que des concessions négatives. On ne peut effectivement assez le répéter, d'après le témoignage des Cartes les plus récentes, l'Angleterre ne possède aucun Etablissement, ni à la hauteur de Portland Canal, ni au large de l'océan, et la Russie, quand elle insiste sur la conservation d'un modeste espace de terre ferme, n'insiste au fond que sur le moyen de faire valoir, nous dirons plus, de ne pas perdre les fies environnantes. C'est la position dont nous parlons toute à l'heure; nous ne recherchons aucun avantage, nous voulons éviter de graves inconvénients.

En résumé, M. le Comte, si l'on consulte le droit dans cette négociation, la Russie a celui qu'assurent, d'une part, un consentement tacite, mais incontestable, de l'autre, une exploitation paisible depuis vingt-cinq ans et qui peut être considérée comme équivalente à une occupation continue.

Si l'on invoque le principe des conventions mutuelles, la Russie laisse au développement progressif des Etablissements Anglois, une vaste étendue de côte et de territoire; elle leur assure de libres débouchés; elle pourvoit aux intérêts de leur commerce, et pour compenser tant d'offres dictées par le plus sincère esprit de conciliation, elle se réserve uniquement un point d'appui, sans lequel il lui serait impossible de garder une moitié de ses domaines.

De telles vues n'ont besoin que d'être présentées dans leur vrai jour pour qu'un Gouvernement comme celui de la Grande-Bretagne sache les apprécier. Douter de son adhésion dans cette circonstance, ce serait douter de sa justice; et il vous sera facile, l'Empereur se plaît à le croire, d'obtenir le consentement définitif de l'Angleterre à une transaction qui remplirait nos vœux et nos espérances, en prévenant toute discussion ultérieure.

Recevez, etc.,
(Signé) NESSELRODE.

don will certainly admit that such a condition of affairs adds to the value of the concessions we are offering him. There is already a difference of nearly four degrees between the line of demarcation according to the Ukase of September 4-16, 1821 and the line which we propose to-day. The Establishments of the English Company may occupy this gap. Eastward, they can connect both coasts of the continent, nothing prevents them from spreading considerably towards the south. As for us we restrict our demands to a small strip (lisière) of coast on the continent, and in order to dispel all objections whatsoever, we guarantee the free navigation of the rivers, we proclaim the opening up of the port of Novo-Archangelak.

It is impossible for Russia to make any more concessions. She will not make any more, and she is authorized to expect some from England, but once more, she only claims negative concessions. Really it cannot be insisted upon too much, from the evidence of the most recent maps, England does not possess any Establishments, neither at the head of Portland Channel, neither on the shores of the Ocean, and when Russia persists in claiming the reservation of an unimportant strip on the mainland it is only as a means to enhance the value, nay more, not to lose the adjacent islands. This is the position we have alluded to previously; we are not asking for any favours, we wish to avoid serious inconveniences.

To summarize, Mr. le Comte, if we consider what is right in this negotiation we find in favour of Russia what is sanctioned by an implicit, but indisputable consensus, on the other side, a peaceful occupation during twenty-five years, which may be considered as equivalent to a continuous occupation.

If the principle of reciprocal conveniences is advocated, Russia gives up for the progressive extension of the English Establishments a vast extent of coast and of territory; she guarantees free markets; she makes provision for the interests of their trade, and as a compensation for so many offers inspired by the sincerest spirit of conciliation, she reserves for herself only a point of support without which it would not be possible for her to keep one half of her dominions.

Such views only require to be presented in their true light to be duly appreciated by a Government like that of Great Britain. To question its acquiescence under these circumstances would amount to question its justice; the Emperor flatters himself to believe that it will be an easy matter for you to obtain the final assent of England to a transaction which would fulfil all our wishes and our hopes by preventing all subsequent discussion.

Please accept,
(Signed) NESSELRODE.

No. 45.

HUDSON'S BAY COMPANY TO MR. G. CANNING.

(Received, April .)

HUDSON'S BAY HOUSE, LONDON, April 19, 1824.

Sir,—I have this morning laid before the Committee of the Hudson's Bay Company Sir Charles Bagot's despatch and papers connected with it, which you did me the honour to intrust to me on Saturday morning, and I am to state that if His Majesty's

Government consider it advisable in other respects to accede to the last proposition made by the Russian Government for the arrangement of a line of demarcation between the possessions of Russia and Great Britain on the coast of North America, they see no reason to object to it, as it will affect their particular interests, and more especially as it appears to secure to them a free access to the sea for the purposes of their trade on the whole coast to the eastward of the 139th degree of longitude.

They beg me, however, to suggest the expediency of some more definite demarcation on the coast than the supposed chain of mountains contiguous to it, and they conceive there can be no difficulty in arranging this point from the expression in the proposition of the Russian negotiators: "La chaîne des montagnes, qui sont à une très petite distance des sinuosités de la côte."

Neither party have any accurate geographical information with respect to the country in the immediate neighbourhood of the sea, and if the intentions of the Russian Government are fairly to be inferred from the words used in their proposal, the most satisfactory manner of settling this point probably would be by inserting in any article providing for the boundary on the mainland the nearest chain of mountains, not exceeding a few leagues of the coast.

I am desired by the committee further to beg, if these negotiations should be brought to a satisfactory issue, that you would have the goodness to state to the Russian Government their great desire to promote a good understanding and a reciprocity of good offices between the subjects of both nations trading in those remote and inhospitable countries.

I have, &c.,

(Signed) J. H. PELLY.

No. 46.

MR. GEORGE CANNING TO SIR C. BAGOT.

(No. 18.)

FOREIGN OFFICE, April 24, 1824.

SIR,—Your despatches to No. 23, inclusive, received here on the 14th instant by the messenger Draffen (after an unusually expeditious journey), have been laid before the King.

The courier whom Your Excellency mentioned as being despatched to Count Lieven at the same time with Draffen has not yet arrived—at least, so I learn from Count Lieven, who denies having yet received the instructions which he is promised.

I take advantage of the departure of Sir Alexander Malet, whom His Majesty has been pleased to allow to be attached to Your Excellency's Embassy (Mr. Bloomfield, whose assistance I had so long ago promised, not being yet able to leave England), to acknowledge the receipt of your late despatches, but I must refer Your Excellency for any detailed observations upon them to what I shall write to you by a messenger, whom I intend to dispatch so soon as I shall have conferred with Count Lieven on the contents of his promised instructions.

I will not, however, defer till that opportunity the informing Your Excellency that your conduct in suspending the negotiation with respect to the north-west coast of America, when you found that the modifications, which you judiciously took upon yourself to make in your instructions, were not met by corresponding concessions on the part of the Russian Government, has received His Majesty's gracious approbation.

I have referred the whole question of this negotiation anew to the Governors of the Hudson's Bay Company, whose Report I expect shortly to receive.

I have some reason to think that that Report will recommend the policy of closing with the Russian proposals rather than leaving the points in dispute unsettled for an indefinite time. It will then remain to consider, after I shall have learned the tenor of the instructions sent to Count Lieven, whether it may be most expedient for the King's service to carry on the ulterior discussions with the Russian Ambassador here, or to authorize Your Excellency to resume and conclude the negotiation.

I am, &c.

(Signed) GEORGE CANNING.

No. 47.

MR. G. CANNING TO COUNT LIEVEN.

(Extract.)

FOREIGN OFFICE, 29 May, 1824.

After mature consideration of the two despatches from Count Nesselrode to Your Excellency on the 5th ultimo, copies of which Your Excellency had the goodness to

put into my hands, I have the satisfaction to acquaint Your Excellency that I shall be enabled shortly to send to His Majesty's Ambassador at St. Petersburg such instructions on the subject matter of both as shall meet, in a great degree, the wishes of your Court.

1. As to the line of demarcation to be drawn between Russia and British occupation on the north-west coast of America; Sir Charles Bagot's discretion will be so far enlarged as to enable him to admit, with certain qualifications, the term last proposed by the Russian Government.

The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted; in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias; in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned to Russia may comprehend.

It can hardly be expected that we should not also put in our claim for the like privileges of trade as are, or may be, stipulated with Russia by any other nation; and we take for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the Ukase of September, 1821, are to be altogether withdrawn.

No. 49.

(*Mr. G. Canning to Sir C. Bagot.*)

(No. 22.)

FOREIGN OFFICE, May 20, 1824.

SIR,—I transmit to Your Excellency a copy of a letter which I have addressed to Count Lieven upon the subject-matter of two despatches from Count Nesselrode to Count Lieven, which that Ambassador communicated to me, and copies of which I also enclose.

Your Excellency will learn from my letter to Count Lieven that you may expect definite instructions very shortly, both for the conclusion of the negotiation relating to the north-west coast of America, and to the proposed Conference on the pacification of Greece.

I hope to despatch a messenger to Your Excellency with these instructions in the course of the next week.

Meantime the enclosed paper will put Your Excellency generally in possession of the sentiments of His Majesty's Government upon these several subjects. But Your Excellency will not take any step upon them until you shall have received my promised instructions.

I am, &c.,

(Signed) GEORGE CANNING.

No. 50.

MR. G. CANNING TO SIR C. BAGOT.

(No. 26.)

FOREIGN OFFICE, July 12, 1824

SIR,—After full consideration of the motives which are alleged by the Russian Government for adhering to their last propositions respecting the line of demarcation to be drawn between British and Russian occupancy on the north-west coast of America; and of the comparative inconvenience of admitting some relaxation in the terms of Your Excellency's last instructions, or of having the question between the two Governments unsettled for an indefinite time, His Majesty's Government have resolved to authorize Your Excellency to consent to include the south points of Prince of Wales' Island within the Russian frontiers, and to take as the line of demarcation a line drawn from the southernmost point of Prince of Wales' Island from south to north through Portland Channel, till it strikes the mainland in latitude 56; thence following the sinuosities of the coast, along the base of the mountains nearest the sea to Mount Elias, and thence along the 139th degree of longitude to the Polar Sea.

I inclose the draft of a project of Convention founded upon these principles, which Your Excellency is authorized to sign previously to your quitting St. Petersburg.

The advantages conceded to Russia by the line of demarcation traced out in this Convention are so obvious, as to render it quite impossible that any objection can re-

sonably be offered on the part of the Russian Government to any of the stipulations in our favour.

There are two points which are left to be settled by your Excellency :—

1. In fixing the course of the eastern boundary of the strip of land to be occupied by Russia on the coast, the seaward base of the mountains is assumed as that limit ; but we have experience that other mountains on the other side of the American Continent, which have been assumed in former Treaties as lines of boundary are incorrectly laid down in the Maps ; and this inaccuracy has given rise to very troublesome discussions. It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast, as far as Mount Elias, is not carried too far inland.

That is done by a proviso that that line should in no case (*i.e.*, not in that of the mountains which appear by the Map almost to border the coast, turning out to be far removed from it) carried further to the east than a specified number of leagues from the sea. The utmost extent which His Majesty's Government would be disposed to concede would be a distance of 10 leagues ; but it would be desirable if Your Excellency were enabled to obtain a still more narrow limitation.

2. Article 5 of the "Projet" is copied from Article IV. of the Convention between Russia and the United States of America. By the American Article the right of visiting respectively and resorting to each other's possessions is limited to ten years. This limitation is left in blank in the "Projet."

We should have no objection to agree to the Article without any limitation of time. We should prefer a longer period (say twenty years) to that stipulated by the Americans. Your Excellency will obtain either of these extensions if you can, but you must not agree to a shorter term than ten years.

Your Excellency will be careful to make it understood that this limitation of time cannot in any case extend to the use by Great Britain of the harbour of New Archangel still less of the rivers, creeks, &c., on the continent, the use of all which is in the nature of a compensation for the perpetual right of territory granted to Russia, and, therefore, must be alike perpetual. If your Excellency shall, as I cannot doubt, conclude and sign this Convention before your departure, you will make it a point to bring with you the ratification of the Russian Government to be exchanged by Count Lieven against that of His Majesty.

I have, &c.,

(Signed) GEORGE CANNING.

Enclosure in No. 50.

DRAFT CONVENTION.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of friendship and good understanding which unite them by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions and establishments on the north-west coast of America : their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say :—

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c., &c., &c. ;

And His Majesty the Emperor of all the Russias, &c., &c., &c. ;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles :—

ARTICLE I.

It is agreed between the High Contracting Parties that their respective subjects shall enjoy the right of free navigation along the whole extent of the Pacific Ocean, compre-

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de Toutes les Russies, désirant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui réglerait, sur le principe d'une convenance réciproque, différents points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions et établissements sur la côte nord-ouest de l'Amérique : leurs dites Majestés ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir :

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, etc., etc., etc. ;

Et Sa Majesté l'Empereur de Toutes les Russies, etc., etc., etc. ;

Lesquels, après s'être réciproquement communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Il est convenu entre les Hautes Parties Contractantes que leurs sujets respectifs navigueront librement dans toute l'étendue de l'Océan Pacifique, y compris la Mer au

hending the sea within Behring Straits, and shall neither be troubled nor molested in carrying on their trade and fisheries, in all parts of the said ocean, either to the northward or southward thereof.

It being well understood that the said right of fishery shall not be exercised by the subjects of either of the two Powers, nearer than 2 marine leagues from the respective possessions of the other.

ARTICLE II.

The line which separates the possessions of the two High Contracting Parties upon the continent and the Islands of America to the north-west, shall be drawn in the manner following:—

Commencing from the two points of the Island called "Prince of Wales' Island," which form the southern extremity thereof, which points lie in the parallel of 54° 40', and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly along the Channel called Portland Channel, till it strikes the coast of the continent lying in the 58th degree of north latitude. From this point it shall be carried along that coast, in a direction parallel to its windings, and at or within the seaward base of the mountains by which it is bounded, as far as the 139th degree of longitude west of the said meridian. Thence the said meridian line of 139th degree of west longitude in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the said Continent of America to the north-west.

ARTICLE III.

It is, nevertheless, understood, with regard to the stipulations of the preceding Article:—

1. That the said line of coast on the Continent of America, which forms the boundary of the Russian possessions, shall not, in any case, extend more than 2 marine leagues in breadth from the sea towards the interior, at whatever distance the aforesaid mountains may be.

2. That British subjects shall for ever freely navigate and trade along the said line of coast, and along the neighbouring islands.

3. That the navigation and commerce of those rivers of the continent which cross this line of coast shall be open to British subjects, as well as to those inhabiting or visiting the interior of this continent, as to those coming from the Pacific Ocean, who shall touch at these latitudes.

ARTICLE IV.

The port of Sitka or Nove Archangelsk shall be, and shall forever remain, open to the commerce of the subjects of His Britannic Majesty.

ARTICLE V.

With regard to the other parts of the north-west coast of America, and of the islands adjacent thereto, belonging to either of the two High Contracting Parties, it is agreed that, for the space of 10 years from the 1st April, 1824, their respective vessels, and those of their subjects, shall reciprocally enjoy the liberty of visiting, without hindrance, the gulfs, havens, and creeks of the said coast, in places not already occupied, for the purposes of fishery

dedans du Détroit dit de Behring, et ne seront point troublés ni molestés en exerçant leur commerce et leurs pêcheries, dans toutes les parties du dit océan, tant au nord qu'au sud.

Bien entendu, que la dite liberté de pêche ne sera exercée par les sujets de l'une des deux Puissances qu'à la distance de 2 lieues maritimes des possessions respectives de l'autre.

ARTICLE II.

La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les Isles de l'Amérique du nord ouest, sera tracée de la manière suivante:—

En commençant des deux points de l'île dite du Prince de Galles, qui en forment l'extrémité méridionale, lesquels points sont situés sous le parallèle de 54° 40', et entre le 131^e et le 133^e degré de longitude ouest (méridien de Greenwich), la ligne de la frontière, entre les possessions Britanniques et Russes, remontera, au nord, par la passe dite le Portland Channel jusqu'à ce qu'elle touche à la côte de la terre ferme située au 58^e degré de latitude nord. De ce point elle suivra cette côte, parallèlement à ses sinuosités, et sous ou dans la base vers la mer des montagnes qui la bordent, jusqu'au 139^e degré de longitude ouest du dit méridien. Et de là, susdite ligne méridionale du 139^e degré de longitude ouest, en sa prolongation jusqu'à la Mer Glaciale, formera la limite des possessions Britanniques et Russes, sur le dit Continent de l'Amérique du nord-ouest.

ARTICLE III.

Il est convenu néanmoins, par rapport aux stipulations de l'Article précédent:—

1. Que la susdite limite de côte sur le Continent de l'Amérique, formant la limite des possessions Russes, ne doit, en aucun cas, s'étendre en largeur depuis la mer vers l'intérieur, au delà de la distance de 2 lieues maritimes, à quelque distance que seront les susdites montagnes.

2. Que les sujets Britanniques navigueront et commerceront librement à perpétuité sur la dite limite de côte, et sur celle des îles qui l'avoisinent.

3. Que la navigation et le commerce des fleuves du continent traversant cette limite, seront libres aux sujets Britanniques, tant à ceux habitant ou fréquentant l'intérieur de ce continent, qu'à ceux qui aborderont ces parages de côte de l'Océan Pacifique.

ARTICLE IV.

Le port de Sitka ou Nove Archangelsk sera et restera ouvert au commerce des sujets de Sa Majesté Britannique.

ARTICLE V.

Par rapport aux autres parties des côtes du continent de l'Amérique du nord-ouest, et des îles qui l'avoisinent, appartenantes à l'une et à l'autre des deux Hautes Parties Contractantes, il est convenu que pendant l'espace de dix ans à compter du

Avril, 1824, leurs vaisseaux respectifs, et ceux de leurs sujets, pourront réciproquement fréquenter, sans entrave, les golpes, havres, et criques des dites côtes, dans des endroits non déjà occupés, afin d'y faire la

and of commerce with the natives of the country.

It being understood:—

1. That the subjects of either of the High Contracting Parties shall not land at any spot where there may be an establishment of the other, without the permission of the Governor or other authority of the place, unless they should be driven thither by stress of weather or other accidents.

2. That the said liberty of commerce shall not include the trade in spirituous liquors, in firearms, swords, bayonets, &c., gunpowder, or other warlike stores. The High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or transferred, in any manner whatever, to the natives of the country.

ARTICLE VI.

No establishment shall, in future, be formed by British subjects, either upon the coast or upon the borders of the continent comprised within the limits of the Russian possessions designated in Article II.; and, in like manner, no such establishment shall be formed by Russian subjects beyond the said limits.

ARTICLE VII.

Such British and Russian vessels navigating these seas, as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports, shall be at liberty to refit therein, to provide themselves with all necessary stores, and to put to sea again, without the payment of any duties except port and lighthouse dues not exceeding those paid by national vessels. In case, however, the master of such ship should be obliged to dispose of some of his merchandise in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

ARTICLE VIII.

In every case of complaint on account of an infraction of the articles of the present convention, the officers employed on either side, without previously engaging themselves in any violent or forcible measures, shall make an exact and circumstantial report of the matter to their respective courts, who will arrange the same, according to justice, in a friendly manner.

ARTICLE IX.

The present convention shall be ratified, and the ratifications shall be exchanged at within the space of months, or sooner, if possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at the day of , in the year of Our Lord, 1824.

pêche et le commerce avec les naturels du pays.

Il est entendu:—

1. Que partout où il se trouvera un établissement de l'une des Hautes Parties Contractantes, les sujets de l'autre ne pourront y aborder, sans la permission du Commandant ou autre préposé de cet endroit, à moins qu'ils n'y soient forcés par des tempêtes ou quelque autre accident.

2. Que la dite liberté de commerce ne comprendra point celui des liqueurs spiritueuses, ni des armes à feu, des armes blanches, de la poudre à canon, ou d'autres espèces de munitions de guerre. Tous lesquels articles les deux Puissances s'engagent réciproquement de ne point laisser vendre ni transférer, en manière quelconque, aux indigènes de ces pays.

ARTICLE VI.

Dorénavant il ne pourra être formé par les sujets Britanniques aucun établissement, ni sur les côtes ni sur la lièvre du continent comprises dans les limites des possessions Russes désignées par l'Article II.; et de même, il n'en pourra pas être formé aucun par des sujets Russes hors des dites limites.

ARTICLE VII.

Les vaisseaux Britanniques et Russes naviguant dans ces mers, qui seront forcés par des tempêtes, ou par quelque autre accident, à se réfugier dans les ports respectifs, pourront s'y radoubier et s'y pourvoir de toutes choses nécessaires, et se remettre en mer librement, sans payer aucun droit hors ceux de port et des fanaux, qui n'excelleront pas ce que payent les navires indigènes. À moins que le patron d'un tel navire ne se trouveroit dans la nécessité de vendre quelque marchandise pour défrayer ses dépenses; au quel cas, il sera tenu de se conformer aux Ordonnances et Tarifs de l'endroit où il aura abordé.

ARTICLE VIII.

Dans tous les cas de plainte par rapport à l'infraction des Articles du présent accord, les officiers et employés de part et d'autre, sans se permettre au préalable aucune violence ni voye de fait, seront tenus de rendre un rapport exact de l'affaire et de ses circonstances, aux Cours respectives, lesquelles la termineront selon la justice et à l'amiable.

ARTICLE IX.

La présente Convention sera ratifiée, et les ratifications en seront échangées à dans l'espace de mois, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à le l'an de Grâce, 1824.

No. 51.

(MR. G. CANNING TO SIR C. BAGOT.)

(No. 29.)

FOREIGN OFFICE, 24th July, 1824.

SIR.—The "projet" of a Convention which is enclosed in my No. 26 having been communicated by me to Count Lieven, with a request that His Excellency would note any points in it upon which he conceived any difficulty likely to arise, or any explana-

tion to be necessary, I have received from His Excellency the Memorandum, a copy of which is herewith enclosed.

Your Excellency will observe that there are but two points which have struck Count Lieven as susceptible of any question. The first, the assumption of the base of the mountains, instead of the summit as the line of boundary; the second, the extension of the right of the navigation of the Pacific to the sea beyond Behring's Straits.

As to the first, no great inconvenience can arise from Your Excellency (if pressed for that alteration) consenting to substitute the summit of the mountains instead of the seaward base, provided always that the stipulation as to the extreme distance from the coast to which the *lisière* is in any case to run, be adopted (which distance I have to repeat to Your Excellency should be made as short as possible), and provided a stipulation be added that no forts shall be established or fortifications erected by either party on the summit or in the passes of the mountains.

As to the second point, it is, perhaps, as Count Lieven remarks, new. But it is to be remarked, in return, that the circumstances under which this additional security is required will be new also.

By the territorial demarcation agreed to in this "Projet," Russia will become possessed, in acknowledged sovereignty, of both sides of Behring's Straits.

The Power which could think of making the Pacific a *mare clausum* may not unnaturally be supposed capable of a disposition to apply the same character to a strait comprehended between two shores of which it becomes the undisputed owner; but the shutting up of Behring's Straits, or the power to shut them up hereafter, would be a thing not to be tolerated by England.

Nor could we submit to be excluded, either positively or constructively, from a sea in which the skill and science of our seamen has been and is still employed in enterprises interesting not to this country alone, but to the whole civilized world.

The protection given by the Convention to the American coasts of each power may (if it is thought necessary) be extended in terms to the coasts of the Russian Asiatic territory; but in some way or other, if not in the form now prescribed, the free navigation of Behring's Straits and of the seas beyond them must be secured to us.

These being the only questions suggested by Count Lieven, I trust I may anticipate with confidence the conclusion and signature of the Convention, nearly in conformity to the "Projet," and with little trouble to Your Excellency. The long delay of the ship makes it peculiarly satisfactory to me to have reduced Your Excellency's task in this matter within so small a compass.

I have, &c.,

(Signed) GEORGE CANNING.

No. 52.

(MEMORANDUM FROM COUNT LIEVEN ON THE NORTH-WEST COAST CONVENTION.

Le *Projet de Convention* rédigé par le Cabinet Anglais fait courir la limite des possessions Russes et Anglaises sur le côté nord-ouest d'Amérique au sud du Mont Elie; le long de la base des montagnes qui suivent les sinuosités de cette côte. Il est à observer qu'en thèse générale, lorsqu'une chaîne de montagnes sert à fixer une limite quelconque, c'est toujours la cime de ces montagnes qui forme la ligne de démarcation. Dans le cas dont il s'agit ici le mot de *base* par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne paraît guère propre à mettre la délimitation à l'abri de toutes contestations ultérieures, car il ne serait point impossible, vu le peu de certitude des notions géographiques que l'on possède encore sur ces parages, que les montagnes désignées pour limite s'étendissent par une pente insensible jusqu'aux bords même de la côte.

Quant à la clause du même "Projet," ayant pour but d'assurer aux vaisseaux Anglais l'entrée libre dans le Mer Glaciale par le Détroit de Behring, il semble en premier lieu que cette condition, entièrement nouvelle, est par sa nature étrangère à l'objet spécial de la négociation; et les termes généraux dans lesquels elle est conçue feront peut-être hésiter le Gouvernement Impérial à l'admettre sans en modifier l'énoncé actuel pour ne point exposer les côtes de ses possessions Asiatiques dans la Mer Glaciale aux inconvénients qui pourraient naître de la visite des bâtimens étrangers.

(No. 3)

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No. 53.

MR. ADDINGTON TO MR. G. CANNING.

(No. 39.)

(Received September 8.)

WASHINGTON, August 2, 1824.

SIR,—A Convention concluded between this Government and that of Russia for the settlement of the respective claims of the two nations to the intercourse with the north-western coast of America reached the Department of State a few days since.

The main points determined by this instrument are, as far as I can collect from the American Secretary of State, (1) the enjoyment of a free and unrestricted intercourse by each nation with all the settlements of the other on the north-west coast of America; and (2) a stipulation that no new settlements shall be formed by Russia south, or by the United States north of latitude $54^{\circ} 40'$.

The question of the *mare clausum*, the sovereignty over which was asserted by the Emperor of Russia in his celebrated Ukase of 1821, but virtually, if not expressly renounced by a subsequent declaration of that sovereign, has, Mr. Adams assures me, not been touched upon in the above-mentioned treaty.

Mr. Adams seemed to consider any formal stipulation recording that renunciation as unnecessary and supererogatory.

I have, &c.

(Signed) H. U. ADDINGTON.

No. 54.

SIR C. BAGOT TO MR. G. CANNING.

(Received September 9.)

St. PETERSBURGH, August 12, 1824.

SIR,—You will certainly learn with considerable surprise that, so far from having it in my power, as I had confidently hoped that I should have, to bring with me, on my return to England, a treaty signed and ratified by the Russian Government upon the subject of the north-west coasts of America, I am already enabled to acquaint you that, after only two meetings with the Russian Plenipotentiaries, I have ascertained that it is totally impossible to conclude with them any arrangement upon the subject which is at all reconcilable with the "Projet" transmitted to me in your despatch No. 26 of the 12th of last month, even if I were to take upon myself to exercise, upon several points of it, a discretion which is not given to me by your instructions.

To satisfy His Majesty's Government upon this subject, it seems only necessary that I should transmit to you the inclosed copy of a "Contre-Projet" offered to me by the Imperial Plenipotentiaries on the day after our first meeting, viz., on Saturday last, the 21st instant.

The differences between this "Contre-Projet" and the "Projet" which I had given in are, in many respects, unimportant, consisting either in unnecessary changes in the expressions or in the order of the Articles, or in other minor points, none of which, as I have reason to think, would have been tenaciously adhered to, and of which some might have been safely admitted. But there are three points upon which the differences appear to be almost, if not altogether, irreconcilable.

These points are :

1. As to the opening *for ever* to the commerce of British subjects, of the port of Novo-Archangelsk.

2. As to the liberty to be granted to British subjects to navigate and trade *for ever* along the coast of the *lisière* which it is proposed to cede to Russia, from the Portland Channel to the 60th degree of north latitude, and the islands adjacent.

3. As to the liberty to be given reciprocally to each Power to visit, for a term of years, the other parts of the north-west coast of America.

As to the first of these points, the Russian Plenipotentiaries declare that, however, disposed they might, and probably should be, to renew this liberty to His Majesty's subjects at the expiration of ten years, they can, under no circumstances, consent to divest themselves for ever of a discretionary power in this respect, by granting such a privilege in perpetuity.

Upon this point, I reminded the Plenipotentiaries that the freedom of the port of Novo-Archangelsk was originally offered to Great Britain by themselves, unsolicited and unsuggested by me, in the first "Contre-Projet" which they gave to me in our

former conferences; that the same offer had been repeated by Count Nesselrode in his despatch to Count Lieven of the 5th April last, and that upon neither occasion had it been accompanied by any restriction as to any period of time. It is admitted to me that no period of time was specified upon those occasions but that it was never intended to declare that the freedom should be perpetual, and that they could never be induced to grant it upon such terms.

As to the second point:—The Russian Plenipotentiaries declare that they are ready to grant to His Majesty's subjects for ten years, but for no longer period, the liberty to navigate and trade along the coast of the *lisière* proposed to be ceded to Russia, from the Portland Canal to the 60th degree of north latitude, and the islands adjacent; and that they are ready to grant for ever the right of ingress and egress into and from whatever rivers may flow from the American continent and fall into the Pacific Ocean within the above-described *lisière*, but that they can, under no circumstances, and by no supposed correspondent advantages, be induced to grant to any Power the privilege to navigate and trade in perpetuity within a country the full sovereignty of which was to belong to Russia; and that such perpetual concession was repugnant to all national feeling, and was inconsistent with the very idea of sovereignty.

As regards the third point, the Russian Plenipotentiaries declared that the coasts of North America extending from the 60th degree of north latitude to Behring's Straits, the liberty to visit which, under certain conditions, is stipulated in the "Projet" by Great Britain, in return for a similar liberty to be given, under the same conditions, to Russian subjects to visit the North American coasts belonging to His Imperial Majesty are, and have always been, the absolute and undisputed territory of His Imperial Majesty, and that it is not the intention of His Imperial Majesty to grant to any Power whatever for any period of time the liberty which is required.

These are the three principal points upon which I was yesterday distinctly given to understand that the Russian Government would consider it their duty to insist, and, consequently that, unless my instructions should enable me to modify the "Projet" so far as regarded them, the negotiations must be considered as at an end.

It is, I believe, scarcely necessary that, after having stated this, I should trouble you with any further observations upon the subject.

The other differences which exist between the "Projet" and the "Contre-Projet," though numerous, are, as I have said before, of minor importance, and such as would, I think, have been easily adjusted. What they are will be best shown by the "Contre-Projet" enclosed.

I hope that His Majesty's Government will give me credit for not having too hastily supposed that the objections urged by the Russian Plenipotentiaries were insurmountable. I am, I think, too well acquainted with, and have too long negotiated upon, this subject to have deceived myself in this respect, and I am fully persuaded, from what has passed between Count Nesselrode, M. Poletica and myself since the arrival of your instructions, that the determination of the Russian Government is now taken rather to leave the question unsettled between the two Governments for any indefinite time, than to recede from their pretensions so far as they regard the three points which I have particularly specified.

In closing yesterday the Conference, which assured me that all further chance of negotiation was, for the present at least, terminated, I thought it my duty to remind the Russian Plenipotentiaries that the Maritime jurisdiction assumed by Russia in the Pacific, which he had hoped to see revoked in the simplest and least unpleasant manner by mixing it with a general adjustment of other points, remained, by the breaking off of our negotiations, still unretracted; and, that my Government would probably be of opinion that, upon that part of the question some arrangement must yet be entered into.

It would be proper to add that, in reference to the 6th Article of the "Contre-Projet," I gave the Russian Plenipotentiaries distinctly to understand that neither His Majesty's Government nor those of the other Maritime Powers of the world would, as I thought, be likely to accept the free navigation of Behring's Straits as a concession on the part of Russia.

I have, &c.,

(Signed) CHARLES BAGOT.

Enclosure in No. 54.

(Counter Draft of the Russian Plenipotentiaries.)

Sa Majesté l'Empereur de Toutes les Russies et Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande voulant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord que régèrera d'après le principe des convenances réciproques, les limites de leurs possessions et Etablissements sur la côte n.-d.-est de l'Amérique ainsi que différents points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir, &c., lesquels, après s'être communiqués, &c., ont arrêté et signé les Articles suivants :—

ARTICLE I.

La ligne de démarcation entre les possessions de deux Hautes Parties Contractantes sur la côte nord-ouest de l'Amérique et les lies adjacentes, sera tracée ainsi qu'il suit :—

A partir des deux points qui forment l'extrémité méridionale de l'île dite du Prince de Galles, laquelle appartiendra tout entière à la Russie, points situés sous la parallèle du 54° 40' de latitude nord et entre les 131° et 133° de longitude ouest (méridien de Greenwich) la ligne de la frontière entre les possessions Russes et les possessions Britanniques remontera au nord par la passe, dite le Portland Channel, jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme au 56° de latitude nord. De ce point, elle suivra cette côte parallèlement à ses sinuosités jusqu'au 130° de longitude ouest (même méridien) et de là, la frontière entre les possessions respectives sur le Continent Américain sera formée par la ligne du susdit degré de longitude dans sa prolongation jusqu'à la Mer Glaciale.

ARTICLE II.

La lisière de la côte nord-ouest appartenant à la Russie depuis le Portland Channel jusqu'au point d'intersection du 130° de longitude ouest (méridien de Greenwich) n'aura point en largeur sur le continent plus de 10 lieues marines à partir du bord de la ruer.

ARTICLE III.

Il est convenu :—

1. Que dans les possessions des deux Puissances, telles qu'elles sont désignées aux Articles précédents et nommément jusqu'à la hauteur du 59° 30' de latitude nord, mais point au delà, leurs vaisseaux respectifs, et ceux de leurs sujets auront pendant dix ans à compter du 5 (17) Avril, 1824, la faculté réciproque de fréquenter librement les golphes, havres, criques, dans les parties des lies et des côtes, qui ne seraient point occupées par des Etablissements, soit Russes, soit Britanniques, et d'y faire la pêche et le commerce avec les naturels du pays.

2. Que partout où il y aura un Etablissement de l'une des Hautes Puissances Contractantes, les sujets de l'autre ne pourront y aborder sans la permission du Commandant ou proposé du lieu, sauf les cas d'acclens ou de tempête.

His Majesty the Emperor of all the Russias and His Majesty the King of the United Kingdom of Great Britain and Ireland being desirous of drawing still closer the ties of friendship and of good understanding which unite them, by the means of an agreement which would settle, according to the principles of reciprocal conveniences, the limits of their possessions and establishments on the north-west coast of America, as well as various points connected with the commerce, navigation and fisheries of their subjects on the Pacific Ocean, have named plenipotentiaries to conclude a convention for this purpose, viz., etc., who, after having exchanged credentials, have decided upon and signed the following articles :

ARTICLE I.

The line of demarcation between the possessions of the two high contracting parties upon the north-west coast of America and the adjacent islands shall be drawn in the following manner, commencing from the two points which form the southernmost extremity of the island called "Prince of Wales Island," which shall entirely belong to Russia, which points lie in the parallel of 54° 40' north latitude and between the 131st and 133rd degree of west longitude (meridian of Greenwich) the line of frontier between the Russian and British possessions shall ascend northerly along the channel called Portland Channel until the said pass comes to an end in the interior of the mainland, situated at the 56th degree of north latitude. From this point it shall be carried along the coast, in a direction parallel to its windings, as far as the 130th degree of longitude west (same meridian), and thence the boundary between the respective possessions on the said continent of America shall be formed by the line of the said degree of longitude in its extension as far as the frozen sea.

ARTICLE II.

The strip of the north-west coast belonging to Russia, from the Portland Channel up to the point of intersection of the 130th degree of west longitude (meridian of Greenwich), shall not have in width, upon the continent, more than 10 marine leagues measured from the shore of the sea.

ARTICLE III.

It is understood :

1. That within the possessions of the two Powers, as they are described in the preceding Articles and specially up to the line of 59° 30' north latitude, but not beyond their respective vessels and those of their subjects for the space of ten years from the 5th (17th) April, 1824, shall reciprocally enjoy the liberty of visiting without hindrance, the gulfs, havens, and creeks in the parts of the islands and coast not already occupied by either Russian or British establishments and to fish and trade with the natives of the country.

2. That the subjects of either of the high contracting parties shall not land at any spot where there may be an establishment of the other without the permission of the governor or other authority of the place unless they should be driven thither by stress of weather or other accidents.

3. Que la liberté de commerce ci-dessus mentionnée ne comprendra ni les liqueurs spiritueuses, ni les armes à feu et armes blanches, ni la poudre à canon et autres munitions de guerre: tous articles que les Hautes Puissances Contractantes s'engagent réciproquement à ne pas laisser vendre par leurs sujets respectifs aux naturels de la côte et des îles nord-ouest de l'Amérique.

4. Que sur la lisière de la dite côte indiquée en l'Article II de la présente Convention comme appartenante à la Russie les sujets de Sa Majesté Britannique jouiront à perpétuité de la libre navigation des fleuves, soit qu'ils habitent l'intérieur du continent, soit qu'ils veulent y arriver de l'Océan Pacifique au moyen de ces mêmes fleuves.

5. Que le port de Sitka ou Novo-Archangelisk sera ouvert, pendant dix ans, au commerce étranger et qu'à l'expiration de ce terme cette franchise sera renouvelée suivant les convenances de la Russie.

ARTICLE IV.

A l'avenir ne pourra être formé aucun Etablissement par les sujets de Sa Majesté Britannique dans les limites des possessions Russes désignées aux Articles I et II et de même il n'en pourra être formé aucun par les sujets de Sa Majesté l'Empereur de Toutes les Russies hors des dites limites.

ARTICLE V.

Les Hautes Puissances Contractantes stipulent en outre que leurs sujets respectifs navigueront librement, sur toute l'étendue de l'Océan Pacifique, tant au nord qu'au sud, sans entrave quelconque, et qu'ils jouiront du droit de pêche en haute mer, mais que ce droit ne pourra jamais être exercé qu'à la distance de 2 lieues marines des côtes ou possessions, soit Russes, soit Britanniques.

ARTICLE VI.

Sa Majesté l'Empereur de Toutes les Russies, voulant même donner une preuve particulière de ses égards pour les intérêts des sujets de Sa Majesté Britannique et rendre plus utile le succès d'entreprises, qui auraient pour résultat de découvrir un passage au nord du Continent Américain, consent à ce que la liberté de navigation mentionnée en l'Article précédent s'étende sous les mêmes conditions, au Détroit de Behring et à la mer située au nord de ce détroit.

ARTICLE VII.

Les vaisseaux Russes et Britanniques naviguant sur l'Océan Pacifique et la mer ci-dessus indiquée, qui seraient forcés par les tempêtes ou par quelque avarie de se réfugier dans les ports respectifs des Hautes Parties Contractantes, pourront s'y rendre, s'y pourvoir de tous les objets qui leur seront nécessaires et se remettre en mer librement, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront fixés pour eux du même montant que pour les navires nationaux.

En pareilles occasions les patrons des bâtiments, soit Russes soit Britanniques, seront tenus de se conformer aux lois, Ordonnances, et tarifs en vigueur dans le port, où ils auront abordé.

3. That the said liberty of commerce mentioned previously shall not include the trade in spirituous liquors, in fire arms, swords, bayonets, gunpowder or other ammunitions—the high contracting parties reciprocally engaging not to permit the above-named articles to be sold by their respective subjects to the natives of the coast, and of the islands of North-west America.

4. That in the strip of coast described by Article II. of the present convention, as belonging to Russia, the subjects of His Britannic Majesty shall forever freely navigate the rivers, whether they inhabit the interior of the continent, whether they intend to reach there from the Pacific Ocean through the said rivers.

5. That the port of Sitka or Novo Archangelisk shall be open, during ten years, to foreign trade and at the end of that term, this privilege shall be renewed according to the wishes of Russia.

ARTICLE IV.

No establishment shall, in future, be formed by the subjects of His Britannic Majesty within the limits of the Russian possessions designated in Article I. and II., and, in like manner, no such establishment shall be formed by Russian subjects outside the said limit.

ARTICLE V.

The High Contracting Parties stipulate moreover that their respective subjects shall freely navigate over the whole Pacific Ocean, north and south, without hindrance whatever and that they shall enjoy the right of fishing in deep sea, but that this privilege will be valid only outside of the distance of two marine leagues from Russian or British coasts.

ARTICLE VI.

His Majesty the Emperor of all the Russias, being desirous of giving a special mark of his regards for the interests of His Britannic Majesty's subjects and to render more useful the success of undertakings, which might result in the discovery of a passage to the north of the Continent of America, agrees that the same freedom of navigation to navigate, such as described in the preceding Article, shall extend, under the same conditions, to the Straits of Behring, and to the sea lying north of said straits.

ARTICLE VII.

Such British and Russian vessels navigating the Pacific Ocean and the sea aforesaid indicated as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports of the High Contracting Parties shall be at liberty to rent therein, to provide themselves with all necessary stores, and to put to sea again, without the payment of any duties, except port and light-house dues, which shall not exceed for them those paid by national vessels.

In such occasions, the master of such ships, either Russian or British, shall conform themselves to the laws and regulations and tariffs in force at the port where they may have landed.

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ARTICLE VIII.

Dans tous les cas de plainte sur l'infraction des Articles du présent accord, les officiers et fonctionnaires publics s'abstiendront de part et d'autre de toute violence ou voye de fait et rendront un compte exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles termineront le différend à l'amiable, et selon les principes d'une mutuelle justice.

ARTICLE IX.

La présente Convention sera ratifiée et les ratifications en seront échangées dans l'espace de trois mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à Saint-Petersbourg, le , 1824.

ARTICLE VIII.

In every case of complaint on account of an infraction of the articles of the present convention the officers and public functionaries shall, respectively, avoid any violent or forcible measures, and shall give an exact and circumstantial report of the matter to their respective courts, which will settle it in a friendly manner according to the principles of mutual justice.

ARTICLE IX.

The present convention shall be ratified and the ratification shall be exchanged within the space of months, or sooner, if possible.

In witness thereof the respective plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Done at St. Petersburg, the 1824.

COUNT NESSELRODE TO COUNT LIEVEN.

PENZA, le 4 Septembre, 1824.

PENZA, September, 4, 1824.

MONSIEUR LE COMTE,

Par sa dépêche No. 96, Votre Excellence m'avait transmis un office que lui avait adressé Monsieur Canning après avoir discuté avec Elle les questions de limites et de juridiction maritime qu'il s'agissait de résoudre entre la Russie et l'Angleterre, sur la côte Nord-Ouest de l'Amérique.

Dans cet office M. Canning appréciant les dernières propositions que nous avions faites à Sir Charles Bagot, vous annonçait, Monsieur le Comte, qu'elles seraient acceptées sauf quelques nuances et quelques clauses additionnelles qui ne changeraient en rien le fond de notre projet d'arrangement.

Ces clauses devaient consister dans la définition plus précise de la lisière que nous posséderions sur le Continent Américain, dans la fixation d'un degré de longitude plus occidental à partir du Mont Saint-Elle, et dans la libre navigation des fleuves, mers, détroits et anse que comprendraient les domaines de R.M.I.

Comme nous avions déjà déclaré antérieurement que l'oukase du 4 (10) Sepbre. 1821, ne s'exécuterait pas en ce qui concernait l'étendue de cent milles en mer dont il interdisait la navigation aux vaisseaux étrangers, que d'une autre part nous étions empressés nous mêmes d'offrir aux sujets de S. M. Britannique dans nos négociations avec Sir Charles Bagot, la liberté de descendre et de remonter tous les fleuves qui traverseraient notre territoire sur la côte Nord-Ouest; il nous parut que les modifications désirées par M. Canning ne donneraient lieu à aucune difficulté, et que nous flattons qu' aussitôt que l'Ambassadeur d'Angleterre recevrait des instructions définitives, nous pourrions conclure avec lui, une transaction également conforme aux droits et aux intérêts des deux Puissances.

Notre confiance nous semblait d'autant plus fondée que Sir Charles Bagot nous avait déclaré à plusieurs reprises, et que M. Canning répétait dans son office ci-dessus mentionné, que l'Angleterre bornerait à demander pour son commerce dans ses parages les privilèges que la Russie accorderait ou qu'elle aurait accordés à d'autres Nations. Ce point devait donc suivant

MONSIEUR LE COMTE,

By his dispatch No. 96, your Excellency had forwarded to me a memorandum which Mr. Canning had sent you after having discussed with you the questions of limits and of maritime jurisdiction which were to be solved between Russia and England, over the North-west Coast of America.

In this memorandum, Mr. Canning taking into consideration the latest proposals made by us to Sir Charles Bagot, was informing you Monsieur le Comte, that they would be ratified with some slight alterations and some additional Articles which were not to alter in any way the main features of our draft of agreement—

These articles were to have defined in a more precise manner of the strip of Coast which we were to possess in the American continent, in the determination of a more western degree of longitude from Mount St. Elias, and in the free navigation of rivers, seas, straits, and bays within the dominions of His Imperial Majesty.

As we had previously declared that the Ukase of September 4-16, 1821, would not go into force with regard to the extent of one hundred miles of sea, the navigation of which was forbidden to foreign vessels, and that on the other side we had hastened to offer to the subjects of His Britannic Majesty in our negotiations with Sir Charles Bagot, the privilege of ingress into all the rivers crossing our territory on the North-west Coast; it appeared to us that the modifications desired by Mr. Canning would cause no difficulty whatever, and we were in the hope that as soon as the English Ambassador would have received definite instructions we might conclude with him a transaction in conformity equally with the rights and the interests of both Powers.

Our expectation seemed the more justified that Mr. Charles Bagot had repeatedly declared to us, and that Mr. Canning also asserted in his communication aforesaid, mentioned that England would only demand for its trade in these territories the privileges which Russia would grant or had already granted to other nations. In all probability this question should have been

* "It can hardly be expected that we should not also put in our claim for the like privileges of trade as are or may be stipulated by Russia with any other nation."—Office of M. Canning en date du 29 Mai 1824.

toute probabilité, être aussi facile à régler que les autres.

Cependant trois mois s'écoulèrent sans que les instructions du Plénipotentiaire de la Cour de Londres, lui fussent expédiées et lorsqu'elles arrivèrent enfin par l'intermédiaire de Mr. Ward quelques jours avant notre départ, nous trouvâmes à notre grand regret qu'elles consistaient en un projet de Convention, qui sous plusieurs rapports très essentiels, était bien loin de remplir notre attente.

Vous en avez pris, M. le Comte, une lecture rapide, mais que pour que vous puissiez mieux le juger, je vous en adresse une copie. J'ai consigné dans des notes marginales quelques remarques de détail et je me réserve de vous développer dans cette dépêche les observations les plus importantes, celles que regardent des clauses qu'il nous est complètement impossible d'admettre.

Elles sont au nombre de trois :-

1. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels du pays à perpétuité sur toute cette partie de la côte qui forme le sujet de la discussion et qui s'étend du 58° de latitude Nord au 54° 40'.

2. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels du pays pendant dix ans sur une autre partie de nos côtes et de nos îles depuis le 59° de latitude Nord jusqu'au détroit de Behring.

3. L'ouverture à perpétuité du port de Sitka ou Nova Archangelsk.

Ad. Im. Le projet de Convention du Cabinet de Londres ne s'exprime pas avec une précision parfaite sur cet article et ce sont nos explications verbales avec Sir Charles Bagot qui nous ont appris que l'Angleterre réclamait le droit de chasse, de pêche et de commerce à perpétuité dans cette portion des domaines de la Russie, mais ces explications ont été si positives qu'elles ne nous ont laissé aucun doute sur les desirs du Cabinet Britannique.

Pour savoir si nous n'avions pas lieu d'être étonnés et s'il nous est possible d'y descendre il suffit de relire d'un côté le passage de l'Office de Mons. Canning que j'ai cité plus haut, et de jeter les yeux de l'autre sur notre Convention avec Etats-Unis.

Le Principal Secrétaire d'Etat de S. M. B. vous a déclaré officiellement et par écrit que l'Angleterre réclamait de notre part des privilèges de commerce semblables à ceux que nous accorderions à d'autres Puissances. Or les Etats-Unis sont la seule Puissance à laquelle nous en ayons jamais accordé et ceux que nous leur avons garantis par la Convention du 5 (17) Avril de l'année courante ne doivent durer que dix ans.

Nous satisfaisons donc aux demandes que l'Angleterre elle-même nous a énoncées, en lui garantissant pour le même espace de temps, les mêmes privilèges. Comment pourrions nous d'ailleurs, consentir sous ce rapport, en faveur des sujets Britanniques, à des prérogatives que nous venons de refuser aux sujets Américains ? Les sujets Britanniques, nous en savons trop le répéter, n'ont jamais poussé ni leurs établissements ni leurs opérations de commerce jusqu'à la côte Nord-Ouest. Le témoignage des cartes les plus récentes publiées en Angleterre révèle et démontre ce fait. Si les compagnies de la baie d'Hudson et du Nord-Ouest approchent de la côte, ce n'est que depuis trois ans à peine, tandis que les sujets Américains ont constamment fréquenté ces par-

settlement just as easily as the others. However, three months passed and the instructions to the Plenipotentiary of the Court of London had not been forwarded to him, and when at last they arrived through the medium of Mr. Ward, a few days before our departure, we perceived to our great sorrow, that they consisted in a draft of Convention which in many very essential points was far from meeting our expectations.

You have, Mr. Le Comte read them over rapidly, but to enable you to form a better idea I send you a copy of the same. I have placed in marginal notes some remarks of little importance and I reserve to myself to develop in this despatch the most important observations, those affecting the articles which it is utterly impossible for us to admit.

They are three in number :-

1. The liberty for ever for all English subjects to hunt, fish and trade with the natives of the country over all that part of the Coast now under discussion and which extends from the 58° to the 54° 40' degree of north latitude.

2. The liberty during ten years, for English subjects to hunt, fish and trade with the natives of the country over another part of our coast and of ours and of our islands from the 59° of north latitude as far as Behring Straits.

3. The opening forever of the port of Sitka or Novo Archangelsk.

Ad. Im. The wording of the Draft Convention of the Cabinet of London was not sufficiently precise on this article, and it was only through our verbal explanations with Sir Charles Bagot that we have learned that England was claiming for a perpetual right of hunting, fishing and trading over that part of the dominions of Russia, but these explanations were of such a positive character that they left no doubt in our mind about the wishes of the British Cabinet.

In order to ascertain if there were no cause for our astonishment and if it were possible to acquiesce to it, it is sufficient to read over again the extract of Mr. Canning's memorandum which I have previously quoted, and, on the other hand, to examine our Convention with the United States.

The Chief Secretary of State of His Britannic Majesty has officially declared to you as well as by writing that England intended to claim from us commercial privileges similar to those that we might grant to other Powers. Now, the United States are the only Power to which we have ever granted such privileges, and the same which have been guaranteed to them by the Convention of the 5th (17th) April of this year cannot remain in force more than ten years.

We would thus meet the requests made by England, by granting to her the same privileges for the same space of time. Besides, how could we, in this case confer to British subjects prerogatives which we have just refused to American subjects ? We could not repeat it too much, the British subjects have never carried their establishments, nor their commercial operations as far as the North-west Coast. The evidence derived from the most recent maps published in England discloses and confirms this fact. If the Hudson's Bay and North-west Companies have come near the coast, it is only since scarcely three years, while the American traders have constantly visited this region and that their undertakings have given cause to the discussions which we

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ges et que ce sont leurs entreprises qui ont fait naître les discussions que nous travaillons à terminer. Nous aurait-il possible après cela, quand même nos intérêts nous le permettraient, de leur donner pour dix ans ce que nous donnerions à perpétuité aux sujets Britanniques ?

Nous avons bien voulu supposer que malgré une prise de possession formelle, une longue occupation des points principaux, une exploitation paisible des sources de revenu et de richesses qu'offrent les contrées dont il s'agit, les droits de souveraineté de la Russie jusqu'au 51° de latitude Nord pouvaient être la matière d'un doute. Nous les avons bornés en conséquence au 54° 40', et pour qu'il ne pût s'élever à cet égard aucune réclamation nouvelle, nous avons permis que sur toute l'étendue de côte où nos droits avaient été contestés une des Puissances avec laquelle nous étions en litige partageât pendant dix ans les bénéfices de la chasse, de la pêche et du commerce avec les indigènes. Nous offrons les mêmes avantages à l'Angleterre, mais les accorder à perpétuité ce serait n'obtenir la reconnaissance de nos titres de souveraineté, que pour en abdiquer l'exercice, ce serait consentir à ne posséder désormais que de nom ce que nous possédons de fait aujourd'hui.

Le Ministre Anglais sera frappé de ces considérations et nous osons croire que dès lors il réduira les demandes renfermées dans son projet de Convention touchant les privilèges de commerce, aux termes de ses déclarations antérieures.

Ad 2m. Outre la faculté de faire la chasse, la pêche, et le commerce à perpétuité sur la partie de la côte Nord-Ouest qui nous appartiendrait depuis le 54° 40', de latitude Nord jusqu'au 59°, le Cabinet de St. James selon le sens que Sir Charles Bagot attachait à ses propositions réclame la même faculté pour dix ans sur la côte et les îles qui s'étendent du 59° au détroit de Behring.

Tel nous citerons encore l'office que M. Canning vous a adressé, M. le Comte, en date du 29 Mai. Il y est dit que l'Angleterre demanderait le libre usage de tous les fleuves qui traverseraient la lisière de côte appartenant à la Russie et de toutes les mers, détroits, baies, etc., qui se trouveraient dans ses domaines. Quelques lignes plus bas l'office du Principal Secrétaire d'Etat ajoute qu'il regarde comme entendu et stipulé que la Russie retire toutes les prétentions exclusives qu'elle avait mises en avant dans l'oukase de 1821 relativement à la navigation et à la juridiction de l'Océan pacifique du Nord.(1)

Quand on compare ces deux demandes qui se suivent de si près et qui s'expliquent et se complètent pour ainsi dire l'une par l'autre, il est difficile d'y trouver autre chose que la libre navigation des eaux et des mers qui baigneraient les possessions de la Russie, ou cette liberté nous nous sommes toujours montrés prêts à la garantir. Des ordres différents de la teneur de l'oukase du 4 (16) Sept. 1821, ont été expédiés à nos

agents pour en faire l'objet. Nous sommes en ce moment en train d'en faire un autre, et nous nous efforçons de le terminer. Nous aurait-il possible après cela, quand même nos intérêts nous le permettraient, de leur donner pour dix ans ce que nous donnerions à perpétuité aux sujets Britanniques ?

We have agreed to suppose that notwithstanding a formal act of taking possession and a long occupancy of the chief points, a peaceful working of the sources of revenue of and wealth to be found in the country under discussion, the Russian rights to sovereignty as far as the 55th degree of north latitude might be questioned. Consequently we have limited them to the 54° 40' and in order to prevent any new protest to be raised on this subject, we have allowed that all along that part of the Coast where our rights had been contested one of the Powers with whom we had a dispute should, for ten years during, share the profits of hunting, fishing and trading with the natives. We offer the same advantages to England, but to grant them forever would amount to securing to admission of our titles to sovereignty only to give up the operation of the same, it would be acquiescing to possess only nominally in the future what we possess to-day in fact.

The English ministry will be struck by these considerations, yet we would vainly believe that in consequence they will reduce the demands contained in their draft of conventions concerning the privileges of commerce, to the terms of their former declarations.

Ad. 2 m.—Besides the faculty of hunting, fishing and trading forever on that part of the north-west coast which would belong to us, from the 54 degree 40 m. of north latitude, up to the 59°, the cabinet of St. James, according to the sense which Sir Charles Bagot has given to their proposals, claims the same privilege during ten years on the coast and the islands which extend from the 59° to Behring Strait.

Here we shall again quote the communication addressed to you M. le Comte, by Mr. Canning, on the 29th of May. It is stated therein that England would demand the use of all the rivers which run across the strips of coast belonging to Russia and of all the seas, straits, bays, etc., to be found in her domains.

A few lines further on, the communication of the principle Secretary of State adds: "That he considers as understood and stipulated that Russia withdraws all her exclusive pretensions which she had put forward in the Ukase of 1821 concerning the navigation and jurisdiction of the North Pacific Ocean."

When these two demands which follow one another so closely and explain each other and are completed one by the other so to say, are compared, it is difficult to see therein anything else but the free navigation of the waters and seas, which would wash the Russian Possessions. Now that liberty we have always shown ourselves ready to guarantee. Orders different from the meaning of the Ukase of September 4th,

(1) N.B.—"In precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier; and of all seas, straits, and waters which the limits assigned to Russia may comprehend . . . and we take it for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean which were put forward in the Ukase of September, 1821, are to be altogether withdrawn."

Office de M. Canning, en date du 29 Mai, 1824.

croisières dès l'ouverture des pourparlers et nous engagerions volontiers par des stipulations formelles à laisser désormais les vaisseaux étrangers naviguer sans entraves sur toute l'étendue de l'océan pacifique septentrional en circonscrivant l'exercice de nos droits de juridiction maritime à la distance de deux lieues marines de nos établissements et de nos côtes jusques et y compris le détroit de Behring, comme le propose le projet de Convention envoyé par le Cabinet de St. James, mais quant à la chasse, à la pêche, et au commerce avec les naturels du pays nous ne pouvons nous empêcher d'établir une distinction importante.

Les titres de Souveraineté de la Russie sur la côte Nord-Ouest lui ont été disputés à partir du 59° de latitude Nord. En conséquence depuis ce degré jusqu'à la parallèle qui formerait notre limite méridionale, nous nous sommes empressés d'offrir des avantages particuliers aux Puissances avec lesquelles nous étions en discussion. Nous avons accordé pour dix ans aux Américains le droit de pêche, de chasse et de commerce avec les naturels du pays et nous souscrivons la même concession en faveur des sujet de S. M. Bague, mais il doit être bien entendu que cette concession ne comprendra que l'espace renfermé entre le 59° et la limite méridionale de notre territoire, c.à.d. le 54° 40' : car au Nord du 59° les titres de souveraineté de S. M. I. n'ont jamais été mis en doute non seulement dans aucun écrit officiel, mais encore dans aucun des articles que les feuilles d'Angleterre et d'Amérique ont publié sur cette question.

Pour peu qu'on veuille peser une circonstance aussi décisive, prétendra-t-on que nous plaçons sur la même ligne les domaines disputés et ceux qui ne le sont pas, que nous nous soumettions pour les uns et les autres aux mêmes sacrifices, que nous exposions les justes alarmes de notre compagne Américaine et qu'en ouvrant la chasse et la pêche et le commerce avec les naturels du pays pour dix ans, nous exposons à une ruine totale des établissements dont le nombre augmente de jour en jour dans des contrées qui nous appartiennent à tous les titres, qu'assurent une première découverte, une occupation immédiate et réelle qui compte près d'un siècle et une possession paisible contre laquelle aucune Puissance n'a jamais réclamé. Certes dans cette partie de ses domaines, la Russie a bien le droit de ne prendre pour guide de ses règlements de commerce, que ses propres besoins et ses propres convenances. Elle a bien les droits d'y recueillir librement tous les profits de la chasse et de la pêche et sauf à respecter et à observer les principes généraux des lois qui prononcent sur les rapports réciproques des nations, elle est maîtresse d'y adopter toutes les mesures qu'elle juge utiles ou nécessaires.

C'est ainsi qu'elle ne saurait consentir à y admettre la concurrence des commerçants, chasseurs et pêcheurs étrangers, mais qu'en interdisant le commerce, la chasse et la pêche elle n'interdira nullement la navigation et qu'elle bornera l'exercice de sa juridiction maritime à deux lieues marines de ses côtes et de ses îles.

Ad 3m. La troisième clause à laquelle nous ne saurions consentir dans le projet de Convention Britannique, concerne l'ouverture à perpétuité de port de Sitka ou Nova Archangelsk.

C'est nous mêmes qui, dans nos négociations avec Sir Charles Bagot, avons annoncé que le port de Sitka serait ouvert aux vais-

seaux étrangers dès l'ouverture des pourparlers et la very opening of the negotiations, and we would willingly bind ourselves by formal stipulations to allow in future foreign ships to navigate without hindrance, on the whole stretch of the North Pacific Ocean, by limiting the exercise of our rights of maritime jurisdiction to the distance of two marine leagues from our establishments and our coast as far as and including Behring Strait, as it is proposed in the draft of convention forwarded by the cabinet of St. James, but as to hunting and fishing and trading with the natives of the country, we cannot help drawing an important distinction.

The titles of Russia to sovereignty over the North-west coast have only been contested from the 59° of north latitude. Therefore from that degree to the parallel which would form our southern boundary, we have been prompt to offer special advantages to the Powers, with whom we were negotiating. We have granted for ten years to the Americans the right of fishing hunting and trading with the natives of the country, and we are ready to make the same concessions in favour of His Britannic Majesty's subjects, but it must be well understood that this concession shall only extend to the space included between the 59th degree and the southern limit of our territory; that is to say, the 54th degree 40 m. north of the 59th degree, the title of Sovereignty of His Imperial Majesty has never been questioned not only in any official documents, but also in any of the articles which the public prints of England and America have published on that question.

If such a decisive circumstance is at all weighed, can it be claimed that we should place on the same line the disputed domain and those that are not. That we should submit for the ones and others to the same concession. That we should provoke the just fears of our American Company, and that in opening hunting, fishing and trading with the natives of the country for ten years, we should expose to a complete ruin establishments the number of which increase from day to day in regions belonging to us by every title secured to us by a first discovery and immediate and real occupation extending over nearly a century, and undisturbed possession against which no power has ever raised a claim. Certainly Russia, in that part of her domain has the right to take as guide for her trade regulations her own requirements and convenience. She certainly has the right to gather freely all the profits of fishing and hunting, and having respect and observance of general principles of the laws which regulate the reciprocal relation between nations, she is free to adopt all the regulations which she thinks useful or necessary.

This being the case, she could not consent to allow in that country the competition of foreign traders, hunters and fishermen, but whilst prohibiting trade, hunting and fishing, she will in nowise prohibit navigation, and she will restrict the exercise of her maritime jurisdiction to two marine leagues from her coasts.

Ad 3m. Islands. The third clause of the Britannic convention to which we could not give our assent, refers to the perpetual opening of the port of Sitka or New Archangel.

It was ourselves who, in our negotiations with Sir Charles Bagot, have announced that the port of Sitka would be opened to

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seaux et au commerce étrangers. Nous persistons dans nos intentions à cet égard, mais il nous est impossible de contracter un engagement indéfini, de nous lier les mains pour avenir sans bornes : nous pourrions garantir que le port de Sitka ne serait pas fermé de dix ans ; il est probable que nous y laisserions subsister les réglemens qui nous y aurions introduits.

Aller plus loin serait de notre côté un acte d'imprévoyance. Des conjonctures attendues pourraient nous forcer à révoquer ou à modifier ces privilèges. C'est une latitude que tout gouvernement doit se réserver en pareille occasion.

Nous ne voyons pour nous aucune obligation d'y renoncer et nous n'y renoncions pas sans nous exposer à de graves inconvéniens. Nous ne saurions donc dans cette circonstance signer de stipulation perpétuelle.

Tels sont, Monsieur le Comte, les trois points du projet de Convention Britannique que l'Empereur n'a pas trouvés admissibles. Toutes les autres propositions de la Cour de Londres ont été acceptées, et nous avons remis à Sir Charles Bagot le contre-projet éjoint. Ses instructions étaient trop précises pour qu'il pût consentir à des modifications. La seule dont il nous ait parlé se réduisant à stipuler l'ouverture du port de Sitka pour vingt ans, nous qui est encore trop long. Il ne nous est donc resté que le vœu des explications directes et nous nous plaignons à espérer qu'elles ne seront pas infructueuses.

Notre contre-projet reporte nos limites du 51° de lat. N. au 54° 40'. Il laisse aux établissemens que les compagnies Anglaises pourront former un jour sur la côte Nord-Ouest tout le territoire situé au midi du Portland Channel. Il supprime la désignation des montagnes pour limites de la lisière de terre ferme que la Russie posséderait sur le Continent Américain et borne la largeur de cette lisière à dix lieues marines d'après le désir de l'Angleterre. D'après son désir encore il ouvre aux sujets Britanniques la navigation de tous les fleuves qui traverseraient cette lisière, enfin il leur assure des avantages égaux à ceux qu'ont obtenus les sujets des États-Unis, et il annule de fait l'oukaze de 4 (16) Septembre 1821, en déclarant d'une part que nous n'exercerons de juridiction maritime qu'à deux lieues de nos côtes et de nos îles sur toute l'étendue de nos possessions, et en stipulant d'une autre, qu'aucune entrave ne sera mise à la libre navigation de l'Océan Pacifique ni même au libre passage du détroit de Behring. Dans une négociation qui devait avoir pour base le principe des convenances réciproques, nous croyons qu'il était difficile de respecter plus scrupuleusement toutes celles de l'Angleterre.

Votre Excellence aura soin de faire apprécier à Monsieur Canning nos vues et notre constante modération. Elle lui représentera avec quel empressement nous avons admis toutes les demandes de la Grande Bretagne qu'il nous était possible d'admettre, combien nous avons lieu de nous attendre maintenant à une juste réciprocité, combien notre projet est conforme aux déclarations contenues dans l'office du Principal Secrétaire d'Etat de S. M. Britannique en date du 20 Mai, et combien il serait utile en adoptant ce contre-projet (car nous ne saurions pousser plus loin nos sacrifices) de terminer entre les deux Gouvernemens des discussions toujours fâcheuses et dont on étouffait jusqu'au dernier terme. Votre Excellence est autorisée à donner lecture et Copie de la présente dépêche à M. Canning, et dans vos

foreign ships and trade. We persist in our intention in this matter, but it is impossible for us to enter into an indefinite agreement, to bind our hands for the future without limit ; we could guarantee that the port of Sitka would not be closed for ten years ; it is probable that we would allow to stand the regulations which we would have introduced hither.

To go further would be on our part a want of foresight. Unforeseen contingencies might compel us to revoke or modify these privileges. It is a latitude which every government should reserve to themselves in such an occurrence.

We see no obligation to give it up and we could not take such a course without exposing ourselves to serious inconvenience. We cannot, therefore, in the circumstance agree to a perpetual stipulation.

Such are, M. le Comte, the three points of the draft of the Britannic convention which the Emperor has not deemed acceptable. All the other proposals of the court of London have been agreed to and we have handed to Sir Charles Bagot the annex counter draft. His instructions, however, were too precise to allow his assent to any modification.

The only one which he has mentioned to us consisted only in stipulating the opening of the port of Sitka for twenty years, a period which is still too long. The only course left to us was that of direct explanations, and we are pleased to hope that they shall not be fruitless.

Our counter draft carries our frontiers from the 51st degree north latitude to the 54th degree 40 m. It gives to the establishments which the English companies may one day form on the north-west coast, all the territory lying south of Portland Channel. It leaves off the designation of the mountains as limits to the strip of mainland which Russia would possess on the American continent, and restricts the width of that strip to ten marine leagues, according to the wish expressed by England. Agreeable also to her desire it opens to the British subjects the navigation of all the rivers crossing this strip, finally it secures to them advantages equal to those obtained by the subjects of the United States and it cancels in fact the Ukase of September 4th, 1821, by declaring on the one hand that we shall exercise maritime jurisdiction within only two leagues from our coasts and our islands, all over the extent of our possessions and by stipulating, on the other, that no hindrance shall be placed to the free navigation of the Pacific Ocean not even to the free passage through Behring Strait. In a negotiation which must have as its basis the principle of reciprocal conveniences, we believe that it was difficult to respect with more scruple all those of England.

Your Excellency will take care to have Mr. Canning duly appreciate our views and constant moderation. You will make him observe with what readiness we have admitted all the claims of Great Britain which it was possible for us to accept and how much we have reason to expect now a fair reciprocity, how much our draft is in conformity with the declarations contained in the communication of the Principal Secretary of State of His Britannic Majesty of the 20th of May and how useful it would be to adopt this counter draft (for we would not extend our concessions further), to end between the two governments discussions always unpleasant and which would then be stifled to their last cause. Your Excellency is authorized to give lecture and copy of the present despatch to Mr. Canning, and in

entretiens avec ce Ministre vous pourrez, M. le Comte, ajouter, l'observation que par notre Traité avec les Etats-Unis en date du 5 (17) Avril, nous n'avons jamais entendu leur accorder le droit de chasse, de pêche et de commerce avec les indigènes pour dix ans, que dans celles de nos possessions qui nous avaient (été) contestées, ou en d'autres termes dans l'espace compris entre le 54° 40' et le 59° 30' de latitude septentrionale.

Receves, etc.,
(Signé) NESSELRODE.

your conversations with this minister, you can add, Mr. le Comte, the observations that by our treaty with the United States of the 5th of April we have never intended to give them the right of hunting, fishing and trading with the natives for ten years, save in those of our possession which had been disputed to us, or in other words between the 54° 40' and the 59° 30' of north latitude.

Accept, &c.,
NESSELRODE.

FIRST DRAFT CONVENTION WITH RUSSIA
ENCLOSED IN MR. CANNING'S LETTER
TO SIR C. BAGOT OF 18TH JULY, 1824,
WITH ANNOTATIONS BY COUNT NESSELRODE, REFERRED TO IN NESSELRODE'S
LETTER TO LIEVEN 4TH SEPTEMBER,
1824.

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de Toutes les Russies, désirant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui réglerait, sur le principe d'une convenance réciproque, différents points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions et établissemens sur la côte nord-ouest de l'Amérique, leurs dites Majestés ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir :—

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, etc. ;
Et Sa Majesté l'Empereur de Toutes les Russies, etc. ;

Lesquels, après s'être réciproquement communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans :—

ARTICLE I.

1. In the corresponding article the Russian plenipotentiaries have struck off the words 'in carrying on their trade,' because it has appeared to them that this article refers chiefly to high seas navigation and that on the high seas there is no trade possible.

On the other hand all that refers to commercial relations is governed by other articles.

Il est convenu entre les Hautes Parties Contractantes que leurs sujets respectifs navigueront librement, dans toute l'étendue de l'Océan Pacifique, y comprise la mer au dedans du détroit dit de Behring, et ne seront point troublés ni molestés :—

1. En exerçant leur commerce et leurs pêcheries dans toutes les parties du dit océan, tant au nord qu'au sud.

Bien entendu que la dite liberté de pêche ne sera exercée par les sujets de l'une des deux Puissances qu'à la distance de 2 lieues maritimes des possessions respectives de l'autre.

1. Dans l'Article correspondant, les Plénipotentiaires de Russie ont supprimé les mots "en exerçant leur commerce," parce qu'il leur a paru que cet Article se rapporterait principalement à la navigation en haute mer, et qu'en haute mer il n'y a pas de commerce possible.

D'ailleurs tout ce qui concerne les relations commerciales se trouve réglé par d'autres Articles.

ARTICLE II.

2. La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les Iles de l'Amérique du Nord-Ouest, sera tracée de la manière suivante :—

En commençant des deux points de l'île dite du Prince de Galles, qui en forment l'extrémité méridionale, lesquels points sont situés sous la parallèle de 54° 40' et entre le 131° et le 133° degré de longitude ouest

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(méridien de Greenwich), la ligne de la frontière entre les possessions Britanniques et Russes remontera au nord, par la passe dite Portland Channel, jusqu'à ce qu'elle touche à la côte terre ferme située au 56° degré de latitude nord. De ce point elle suivra cette côte parallèlement à ses sinuosités, et sous ou dans la base vers la Mer des Montagnes, qui la bordent, jusqu'au 130° de longitude ouest du dit méridien. Et de là la susdite ligne méridienne du 130° de longitude ouest, en sa prolongation jusqu'à la Mer Glaciale, formera la limite des possessions Britanniques et Russes sur le dit Continent de l'Amérique du nord-ouest.

2. Article II.—Cet Article est le premier du contre-projet Russe :—

2. Article II. This article is the first of the Russian counter-draft :—

As at the very opening of the negotiations, the execution of the Ukase of 1821 had been suspended in so far as it refers to the exercise of the maritime jurisdiction, the territorial question was the most essential which the two powers had to solve. It is therefore by defining respective possessions that we begin our counter-draft. The possessions once defined, the stipulations concerning the rights connected with them and also the privileges which may be exercised by both nations, come next naturally to be dealt with. These two clauses are followed by those that have reference to the navigation of the Pacific Ocean and which are classified under the same head.

The order in which the subjects are to be treated is improved by this system and it seems to us that the distribution of our counter draft would place the question in a better light.

We have, whilst changing this order, kept in all the articles of the British draft.

Comme dès l'ouverture des négociations l'exécution de l'Ukase de 1821 avait été suspendue en ce qui regarde l'exercice de la juridiction maritime, la question territoriale était la plus essentielle que les deux Puissances eussent à résoudre. C'est donc par définir les possessions respectives que nous commençons dans notre contre-projet. Les possessions une fois définies viennent naturellement les stipulations relatives aux droits qui s'y rattachent, et aux privilèges qui pourront y être exercés de part et d'autre. A ces clauses succèdent celles qui ont rapport à la navigation de l'Océan Pacifique, et qui se rangent toutes sous le même chef. L'ordre des matières gagne à ce système de rédaction, et il nous semble en général que l'économie de notre contre-projet offrirait plus de clarté.

Nous avons, du reste, en changeant leurs places, conservé tous les Articles du projet Britannique.

ARTICLE III.

Il est convenu néanmoins, par rapport aux stipulations de l'Article précédent :—

1. Que la susdite lisière de côte sur le Continent de l'Amérique formant la limite des possessions Russes, ne doit, en aucun cas, s'étendre en largeur depuis la mer vers l'intérieur, au delà de la distance de lieues maritimes (3) à quelque distance que seront les susdites montagnes.

2. Que les sujets Britanniques navigueront et commerceront librement à perpétuité (4) sur la dite lisière de côte, et sur celle des îles qui l'avoisinent.

3. Que la navigation et le commerce des fleuves du continent traversans cette lisière, seront libres aux sujets Britanniques, tant à ceux habitans ou fréquentans l'intérieur de ce continent, qu'à ceux qui aborderont ces parages du côté de l'Océan Pacifique.

(3) Dans le premier paragraphe de cet Article comme dans l'Article II, nous avons supprimé toute mention des montagnes qui suivent les sinuosités de la côte. Elle devenait inutile, du moment où l'on fixait en lieues marines, la largeur de la lisière de terre ferme qui appartiendrait à la Russie.

(4), (5) et (6). Notre dépêche au Comte Lieven renferme toutes les explications nécessaires, quant aux passages soulignés dans ces divers Articles.

Tous les autres n'ont subi, dans notre contre-projet, que de légers changements de rédaction qui avaient pour but d'y rendre les stipulations encore plus précises et plus faciles à saisir dans leur vrai sens.

ARTICLE IV.

(5) Le port de Sitka ou Novo-Archangelak sera et restera à jamais ouvert au commerce des sujets de Sa Majesté Britannique.

3. In the first paragraph of that article, as in article (2) we have suppressed all mention of mountains which follow the winding of the coast. That mention became useless the moment the width of the strip of the mainland which would belong to Russia was determined in marine leagues.

(4) and (5). Our despatch to Comte Lieven contains all the necessary explanations with regard to the passages underlined in the different articles.

All the other articles in our counter-draft have only been slightly altered in their expressions with the object of rendering the stipulations still more precise and easier to understand in their true meaning.

ARTICLE V.

(4) Par rapport aux autres parties des côtes du Continent de l'Amérique du nord-ouest et des îles qui l'avoisinent, appartenantes à l'une et à l'autre des deux Hautes Parties Contractantes, il est convenu que pendant l'espace de dix ans à compter du Avril, 1824, leurs vaisseaux respectifs, et ceux de leurs sujets, pourront réciproquement fréquenter, sans entrave, les golphes, havres, et criques des dites côtes, dans des endroits non déjà occupés, afin d'y faire la pêche et le commerce avec les naturels du pays.

Bien entendu :—

1. Que partout où il se trouvera un établissement de l'une des Hautes Parties Contractantes, les sujets de l'autre ne pourront y aborder, sans la permission du Commandant, ou autre préposé de cet endroit à moins qu'ils n'y seront forcés par tempêtes ou quelque autre accident.

2. Que la dite liberté de commerce ne comprendra point celui des liqueurs spiritueuses, ni des armes à feu, des armes blanches, de la poudre à canon, ou d'autres espèces de munitions de guerre : tous lesquels articles les deux Puissances s'engagent réciproquement de ne point laisser vendre ni transférer en manière quelconque aux indigènes de ces pays.

ARTICLE VI.

Dorénavant il ne pourra être formé par les sujets Britanniques, aucun établissement, ni sur les côtes, ni sur la lisière du continent comprises dans les limites des possessions Russes désignées par l'Article II ; et, de même, il n'en pourra pas être formé aucun par des sujets Russes hors des dites limites.

ARTICLE VII.

Les vaisseaux Britanniques et Russes navigans dans ces mers qui seront forcés par des tempêtes ou par quelque autre accident à se réfugier dans les ports respectifs, pourront s'y radoubler et s'y pourvoir de toutes choses nécessaires, et se remettre en mer librement, sans payer aucun des droits, hors ceux de port et de fanaux, qui n'excéderont pas ce que payent les navires indigènes, à moins que le patron d'un tel navire ne se trouverait dans la nécessité de vendre quelque marchandise pour défrayer ses dépenses, auquel cas il sera tenu de se conformer aux ordonnances et tarifs de l'endroit où il aura abordé.

ARTICLE VIII.

Dans tous les cas de plainte par rapport à l'infraction des Articles du présent accord, les officiers et employés de part et d'autre, sans se permettre au préalable aucune violence ni voie de fait, seront tenus de rendre un rapport exact de l'affaire, et de ses circonstances aux Cours respectives, lesquelles la termineront selon la justice et à l'amiable.

ARTICLE IX.

La présente Convention sera ratifiée et les ratifications en seront échangées à dans l'espace de mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à , le , l'an de grâce 1824.

No. 56.

(MR. G. CANNING TO MR. WARD.)

FOREIGN OFFICE, September 13, 1824.

(No. 3.)

SIR,—Sir Charles Bagot's despatches of the 26th August were received here on the 9th instant, and have been laid before the King.

The only point on which I have to instruct you, in consequence of their arrival, is that of the refusal of the Court of St. Petersburg to conclude and sign the Treaty respecting the north-west coast of America.

Nothing could be less expected than this refusal, and the grounds of it are the more unsatisfactory, as part at least of the stipulations to which objection is taken, was founded on suggestions of the Russian Plenipotentiaries themselves.

I did not, however, intend that you should enter into argument upon this subject with Count Nesselrode, or the Minister to whom the *Portefeuille* may be intrusted in his absence. What you are to represent, and earnestly to urge with the Russian Government, is that they should send to Count Lieven instructions and full powers to conclude and sign the Treaty here. By these means it will still be possible to bring it to a conclusion before the meeting of Parliament. And you will assure the Russian Minister that this consideration weighs with us most particularly, because the hope and promise of some amicable and satisfactory arrangement touching the Ukase of 1821, has been so often confidently held out to Parliament, that we look forward with great anxiety to the discussions which might arise upon a fresh disappointment of those expectations.

I am, &c.,
(Signed) GEORGE CANNING.

No. 58.

HUDSON'S BAY COMPANY TO FOREIGN OFFICE.)

(Received October 20.)

HUDSON'S BAY HOUSE, LONDON, October 20, 1824.

SIR,—I duly received Lord Francis Conyngham's letter of the 19th instant, with its inclosures, and it does not appear to me that the Counter-Project of Russia is so essentially different from the one which His Majesty's Ministers have considered it advisable to propose to Russia as far as the Hudson's Bay Company are concerned, to reject it, except in the 2nd Article, which should more accurately define the eastern boundary from the Portland Canal to the 61st degree of north latitude to be the chain of mountains at a "très-petite distance de la côte," but that if the summit of those mountains exceed 10 leagues, that the said distance be substituted instead of the mountains.

It certainly would have been a more advisable arrangement had it been practicable to have made the Straight between the mainland and the islands instead of the mountains the division not only as a more natural one, but would have prevented the possibility of collision of the traders of the two countries, and if this could be now obtained, relinquishing the proposed license of visiting and trading with the natives for a term of years in that part of the territory to which Russia is to be acknowledged as entitled to the sovereignty. I think it would be advisable, but if not, practicable, we should have the same privileges as were granted to the Americans. On a former occasion I proposed the Straight as the line of demarcation upon the principle of preventing collision, which was not only my idea, but you will recollect was one of the principal reasons stated by Russia for proposing a division of territory; and when it is considered the large tract that is conceded to the westward of the 139th degree of longitude to which Russia can have no better right than Great Britain, and which it is hoped Captain Franklin may be the first European who will explore, and having made a grant of it to the Russian Fur Company which has not been objected to by any European, State (for Russia neither discovered or has any Settlements on it, or on any part of the continent within those latitudes and our own, extend to the 57th degree, and trade with the natives who come beyond the 60th degree), I do not think it too much to require; at the same time the Committee of the Hudson's Bay Company do not attach so much importance to the object I have pointed out as to stand in the way of concluding the arrangement if in other points His Majesty's Government consider it desirable.

I have, etc.,
(Signed) J. H. PELLY.

No. 59.

(MR. C. BAGOT TO MR. G. CANNING.)

(Received October 23.)

(No. 46.)

(Extract.)

WASHINGTON, August 31, 1824.

The Count de Modem, a gentleman in the service of the Emperor of Russia, reached this place some days since as bearer to the Russian Envoy of the Convention relative to the trade in the North Pacific and coast of America, lately concluded at St. Petersburg, between the Court of Russia and the United States. The enclosed extract from the *National Intelligencer*, which may be considered official, presents a synopsis of that Treaty, article by article.

Enclosure in No. 59.

EXTRACT FROM THE "NATIONAL INTELLIGENCER" OF AUGUST 3, 1824.

CONVENTION WITH RUSSIA.—Mr. Lucius Bull, who arrived in this city a few days ago, was the bearer of despatches from our Minister at St. Petersburg. By those it appears that a convention was concluded on the 5-17 April last between Mr. Middleton, on the part of the United States, and Count Nesselrode and M. Poletien on the part of Russia. We understand that the Convention consists of six Articles, in which all the points in dispute between the two Governments are adjusted in a manner the most honourable and advantageous to this country.

The 1st Article authorizes the free navigation of the Pacific Ocean by both Parties, and recognizes the right of fishing and of landing on all points of the west coast not already occupied, in order to trade with the aborigines.

The 2nd Article provides that the citizens or subjects of neither country shall land at points occupied by either, without the permission of the Governor or Commandant.

The 3rd Article fixes the boundary line at 54°, north of which the United States are not to form Establishments, and south of which Russia cannot advance.

The 4th Article allows free entrance to both Parties for ten years into all gulphs, harbours, &c., of each for the purposes of fishing and trading with the natives.

The 5th Article interdicts a trade in fire arms and liquors, and provides that violations of this Article shall be punished, not by seizure of the vessel, but by penalties to be prescribed by each Government on its own citizens or subjects.

The 6th Article prescribes that the ratification shall be changed within ten months from the date of the Treaty.

This convention may be regarded as a second signal effect of the manly and independent Message of our President to the late Congress. If the Emperor Alexander had left it to our own Government to fix the terms of the Treaty, it could not more completely have secured all our interests in the Pacific. We congratulate the country upon this new evidence of the excellence of the system which has been pursued by our present Administration.

No. 60.

(MR. G. CANNING TO COUNT LIEVEN.)

ICEWORTH, October 25, 1824.

MY DEAR COUNT LIEVEN,—I cannot refrain from sending to your Excellency the inclosed extract from an American newspaper, by which you will see that I did not exaggerate what I stated to you as the American construction of the Convention signed at St. Petersburg.

It is to this construction that I referred, when I claimed for England (as justly quoted by Count Nesselrode) whatever was granted to other nations.

No limitations here of 59°.

Believe me, &c.,
(Signed) GEORGE CANNING.

P.S.—May I trouble your Excellency to return this paper to Mr. Planta as (though only an extract from a newspaper) it is an inclosure in a despatch received to-day.—G. C.

No. 62.

(MR. G. CANNING TO MR. S. CANNING.)

(No. 1.)

FOREIGN OFFICE, December 8, 1824.

Sir,—His Majesty having been graciously pleased to name you his Plenipotentiary for concluding and signing with the Russian Government a Convention for terminating the discussions which have arisen out of the promulgation of the Russian Ukase of 1821, and for settling the respective territorial claims of Great Britain and Russia on the north-west coast of America, I have received His Majesty's commands to direct you to repair to St. Petersburg for that purpose, and to furnish you with the necessary instructions for terminating this long protracted negotiation.

The correspondence which has already passed upon this subject has been submitted to your perusal, and I enclose to you a copy—

1. Of the "Projet" which Sir Charles Bagot was authorized to conclude and sign some months ago, and which we had every reason to expect would have been entirely satisfactory to the Russian Government.

2. Of a "Contre-Projet" drawn up by the Russian Plenipotentiaries, and presented to Sir Charles Bagot at their last meeting before Sir Charles Bagot's departure from St. Petersburg.

3. Of a despatch from Count Nesselrode, accompanying the transmission of the "Contre-Projet" to Count Lieven.

In that despatch, and in certain marginal annotations upon the copy of the "Projet," are assigned the reasons of the alterations proposed by the Russian Plenipotentiaries.

In considering the expediency of admitting or rejecting the proposed alterations, it will be convenient to follow the Articles of the Treaty in the order in which they stand in the English "Projet."

You will observe in the first place that it is proposed by the Russian Plenipotentiaries entirely to change that order, and to transfer to the latter part of the instrument the Article which has hitherto stood first in the "Projet."

To that transposition we cannot agree, for the very reason which Count Nesselrode alleges in favour of it, viz., that the "économie" or arrangement of the Treaty ought to have reference to the history of the negotiations.

The whole negotiation grows out of the Ukase of 1821.

So entirely and absolutely true is this proposition that the settlement of the limits of the respective possessions of Great Britain and Russia on the north-west coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the Ukase by enabling the Court of Russia, under cover of the more comprehensive arrangement, to withdraw, with less appearance of concession, the offensive pretensions of that Edict.

It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possessions on the Continent of America, but the pretensions of the Russian Ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it.

You will therefore take care, in the first instance, to repress any attempt to give this character to the character of the negotiation, and will declare without reserve that the point to which alone the solicitude of the British Government and the jealousy of the British nation attach any great importance is the doing away (in a matter as little disagreeable to Russia as possible) of the effect of the Ukase of 1821.

That this Ukase is not acted upon, and that instructions have been long ago sent by the Russian Government to their cruisers in the Pacific to suspend the execution of its provisions, is true; but a private disavowal of a published claim is no security against the revival of that claim. The suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself, and when we have seen in the course of this negotiation that the Russian claim to the possession of the coast of America down to latitude 59 rests in fact on no other ground than the presumed acquiescence of the nations of Europe in the provisions of an Ukase published by the Emperor Paul in the year 1800, against which it is affirmed that no public remonstrance was made, it becomes us to be exceedingly careful that we do not, by a similar neglect, on the present occasion, allow a similar presumption to be raised as to an acquiescence in the Ukase of 1821.

The right of the subjects of His Majesty to navigate freely in the Pacific cannot be held as matter of indulgence from any Power. Having once been publicly questioned, it must be publicly acknowledged.

We do not desire that any distinct reference should be made to the Ukase of 1821; but we do feel it necessary that the statement of our right should be clear and positive,

and that it should stand forth in the Convention in the place which properly belongs to it, as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

This stipulation stands in the front of the Convention concluded between Russia and the United States of America; and we see no reason why upon similar claims we should obtain exactly the like satisfaction.

For reasons of the same nature we cannot consent that the liberty of navigation through Behring's Straits should be stated in the Treaty as a boon from Russia.

The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, on our own behalf and on that of the whole civilized world, protest.

No specification of this sort is found in the Convention with the United States of America, and yet it cannot be doubted that the Americans consider themselves as secured in the right of navigating Behring's Straits and the sea beyond them.

It cannot be expected that England should receive as a boon that which the United States hold as a right so unquestionable as not to be worth recording.

Perhaps the simplest course after all will be to substitute, for all that part of the "Projet" and "Counter-Projet" which relates to maritime rights and to navigation, the first two Articles of the Convention already concluded by the Court of St. Petersburg with the United States of America, in the order in which they stand in that Convention.

Russia cannot mean to give to the United States of America what she withholds from us; nor to withhold from us anything that she has consented to give to the United States.

The uniformity of stipulations *in pari materia* gives clearness and force to both arrangements, and will establish that footing of equality between the several contracting parties which it is most desirable should exist between three Powers whose interests come so nearly in contact with each other in a part of the globe in which no other Power is concerned.

This, therefore, is what I am to instruct you to propose at once to the Russian Minister as cutting short an otherwise inconvenient discussion.

This expedient will dispose of Article I. of the "Projet" and of Article V. and VI. of the "Contre-Projet."

The next Articles relate to the territorial demarcation, and upon them I have only to make the following observations:—

The Russian Plenipotentiaries propose to withdraw entirely the limit of the *lisière* on the coast which they were themselves the first to propose, viz., the summit of the mountains which run parallel to the coast, and which appear, according to the Map, to follow all its sinuosities, and to substitute generally that which we only suggested as a corrective of their first proposition.

We cannot agree to this change. It is quite obvious that the boundary of mountains, where they exist, is the most natural and effectual boundary. The inconvenience against which we wished to guard was that which you know and can thoroughly explain to the Russian Plenipotentiaries to have existed on the other side of the American Continent, when mountains laid down in a Map as in a certain given position, and assumed in faith of the accuracy of that Map as a boundary between the possessions of England and the United States turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussions. Should the Maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory, where we only intended to give and they only intended to ask, a strip of sea coast.

To avoid the chance of this inconvenience we propose to qualify the general proposition, "that the mountains should be the boundary, with the condition if those mountains should not be found to extend beyond ten leagues from the coast." The Russian Plenipotentiaries now propose to take the distance invariably as the rule. But we cannot consent to this change. The mountains, as I have said, are a more eligible boundary than any imaginary line of demarcation, and this being their own original proposition the Russian Plenipotentiaries cannot reasonably refuse to adhere to it.

Where the mountains are the boundary, we are content to take the *summit* instead of the "seaward base" as the line of demarcation.

I omitted in my last instructions to Sir Charles Bagot, though I had signified to Count Lieven, that I intended to require a small extension of the line of demarcation from the point where the *lisière* on the coast terminates in latitude 59 to the northward. The extension required is from 138° to 141° west longitude, the latter being the parallel which falls more directly on Mount Elias.

With regard to the port of Sitka, or New-Archangel, the offer came originally from Russia, but we are not disposed to object to the restriction which she now applies to it.

We are content that the port shall be open to us for ten years, provided only that if any other nation obtains a more extended term, the like term shall be extended to us also.

We are content also to assign the period of ten years for the reciprocal liberty of access and commerce with each other's territories, which stipulation may be best stated precisely in the terms of Article 4 of the American Convention.

These, I think, are the only points in which alterations are required by Russia. And we have no other to propose.

A "Projet" such as it will stand according to the observations of this despatch is enclosed, which you will understand as furnished to you as a guide for the drawing up of the Convention, but not as prescribing the precise form of words, nor fettering your discretion as to any alterations, not varying from the substance of these instructions.

It will, of course, strike the Russian Plenipotentiaries that by the adoption of the American Article respecting navigation, &c., the provision for an exclusive fishery of two leagues from the coasts of our respective possessions falls to the ground.

But the omission is in truth immaterial.

The law of nations assigns the exclusive sovereignty of one league to each Power on its own coasts, without any specific stipulation, and though Sir Charles Bagot was authorized to sign the Convention with the specific stipulation of two leagues, in ignorance of what had been decided in the American Convention, at the time, yet, after that Convention has been some months before the world, and after the opportunity of consideration has been forced upon us by the act of Russia herself, we cannot now consent, in negotiating *de novo*, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contract between the United States and us to our disadvantage.

Count Nesselrode himself has frankly admitted that it was natural that we should expect, and reasonable that we should receive, at the hands of Russia, equal measure, in all respects, with the United States of America.

It remains only, in recapitulation, to remind you of the origin and principles of this whole negotiation.

It is not on our part, essentially a negotiation about limits.

It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner, in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

We negotiate about territory to cover the remonstrance upon principle.

But any attempt to take undue advantage of this voluntary facility, we must oppose.

If the present "Projet" is agreeable to Russia, we are ready to conclude and sign the Treaty.

If the territorial arrangements are not satisfactory, we are ready to postpone them; and to conclude and sign the essential part, that which relates to navigation alone, adding an Article, stipulating to negotiate about territorial limits hereafter.

But we are not prepared to defer any longer the settlement of that essential part of the question, and if Russia will neither sign the whole Convention nor that essential part of it, she must not take it amiss that we resort to some mode of recording in the face of the world our protest against the pretensions of the Ukase of 1821, and of effectually securing our own interests against the possibility of its future operation.

I am, &c.,

(Signed) GEORGE CANNING.

DRAFT CONVENTION WITH RUSSIA EMBODYING CANNING'S FINAL
INSTRUCTIONS TO STRATFORD CANNING (ENCLOSED IN
CANNING'S LETTER OF 8TH DECEMBER, 1824.)

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of All the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions on the north-west coast of America, their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c.
And His Majesty the Emperor of All the Russias, &c.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:—

ARTICLE I.

It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or molested in any part of the Great Ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing there, or in landing at such parts of the coasts as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following Articles.

ARTICLE II.

In order to prevent the right of navigating and fishing exercised upon the Great Ocean by the subjects of the High Contracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there shall be a Russian establishment, without the permission of the principal officer in authority there, and, on the other hand, that Russian subjects shall not land, without similar permission, at any British establishment on the north-west coast.

ARTICLE III.

The line which separates the possessions of the two High Contracting Parties upon the continent and the islands of America to the north-west, shall be drawn in the manner following:—

Commencing from the southernmost point of the island called "Prince of Wales" Island, which point lies in the parallel of $54^{\circ} 40'$, and between the 131^{st} and 133^{rd} degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly (the whole of Prince of Wales Island belonging to Russia) along the channel called "Portland Channel" till it strikes the coast of the continent in the 56^{th} degree of north latitude. From the point where the line of demarcation strikes this degree it shall be carried along the summit of the mountains parallel to the coast as far as the 140^{th} degree of longitude west of the said meridian; thence the said meridian line of 140^{th} degree west longitude, in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the Continent of America to the north-west.

Provided, nevertheless, that if the summit of the aforesaid mountains shall turn out to be, in any part of their range, at more than the distance of 10 marine leagues from the Pacific, then that, for that space, the line of demarcation shall be a line parallel to the coast and its windings, at the said distance of 10 marine leagues therefrom, so that the said line of demarcation shall never extend farther than 10 leagues from the coast.

It is agreed that neither Party shall form any establishment within the limits assigned by this Article to the other Party.

No establishment shall in future be formed by British subjects either upon the coast, or upon the borders of the continent comprised within the limits of the Russian possessions designated in this Article; and in like manner no such establishments shall be formed by Russian subjects beyond the said limits.

ARTICLE IV.

It is understood that the subjects of His Britannic Majesty, as well as those who may come from the interior of the continent as those who may come from the Pacific Ocean, shall enjoy for ever the free and unmolested navigation of all rivers or streams which, in their course to the Pacific may be found to cross the line of demarcation on the border of coast described in the foregoing Article.

ARTICLE V.

It is nevertheless, understood that, for the space of ten years from the signature of the present Convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, the inland sea, the gulfs, havens, and creeks on the coast mentioned in Article III., for the purposes of fishery and of commerce with the natives of the country.

ARTICLE VI.

The port of Sitka, or Nova Archangelsk, shall be open to the commerce and vessels of the subjects of His Britannic Majesty during the space of ten years from the

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date of the exchange of the ratifications of the present Convention. In case of a further extension of the term of ten years mentioned in the foregoing Article to any other Power, the like extension shall be granted also to Great Britain.

ARTICLE VII.

The said liberty of commerce shall not include the trade in spirituous liquors, in fire-arms, swords, bayonets, &c., gunpowder, or other warlike stores, the High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or transferred, in any manner whatever, to the natives of the country.

ARTICLE VIII.

Such British and Russian vessels navigating the Pacific as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports, shall be at liberty to refit therein, to provide themselves with all necessary stores, and to put to sea again without the payment of any duties, except port and lighthouse dues, not exceeding those paid by national vessels. In case, however, the master of such ship should be obliged to dispose of some of his merchandize, in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

ARTICLE IX.

In every case of complaint on account of an infraction of the Articles of the present Convention, the officers employed on either side, without previously engaging themselves in any violent or forcible measures, shall make an exact and circumstantial report of the matter to their respective Courts, who will arrange the same, according to justice, in a friendly manner.

ARTICLE X.

The present Convention shall be ratified and the ratifications shall be exchanged at within the space of months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at , the day of , in the year of our Lord.

No. 67.

(MR. S. CANNING TO MR. G. CANNING.)

St. PETERSBURGH, February 17, (March 1,) 1825.

(Received March 21.)

SIR,—By the messenger Latchford I have the honour to send you the accompanying convention between His Majesty and the Emperor of Russia respecting the Pacific Ocean and north-west coast of America, which, according to your instructions, I concluded and signed last night with the Russian Plenipotentiaries.

The alterations which, at their instance, I have admitted into the "Projet" such as I presented it to them at first, will be found, I conceive, to be in strict conformity with the spirit and substance of His Majesty's commands. The order of the two main subjects of our negotiation, as stated in the preamble of the Convention, is preserved in the articles of that instrument. The line of demarcation along the strip of land on the north-west coast of America assigned to Russia is laid down in the Convention agreeably to your directions, notwithstanding some difficulties raised on this point, as well as on that which regards the order of the Articles, by the Russian Plenipotentiaries.

The instance in which you will perceive that I have most availed myself of the latitude afforded by your instructions to bring the negotiation to a satisfactory and prompt conclusion, is the division of the third article of the new "Projet" as it stood when I gave it in, into the third, fourth, and fifth articles of the Convention signed by the Plenipotentiaries.

This change was suggested by the Russian Plenipotentiaries, and at first it was suggested in a shape which appeared to me objectionable, but the articles as they are now drawn up I humbly conceive to be such as will not meet with your disapprobation. The second paragraph of the fourth article had already appeared parenthetically

in the third article of the "Projet," and the whole of the fourth article is limited in its signification and connected with the article immediately preceding it by the first paragraph.

With respect to Behring Straits, I am happy to have it in my power to assure you, on the joint authority of the Russian Plenipotentiaries, that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits or of the seas to the north of them.

It cannot be necessary, under these circumstances, to trouble you with a more particular account of the several conferences which I have held with the Russian Plenipotentiaries, and it is but justice to state that I have found them disposed, throughout this latter stage of the negotiation, to treat the matters under discussion with fairness and liberality.

As two originals of the Convention prepared for His Majesty's Government are signed by the Plenipotentiaries, I propose to leave one of them with Mr. Ward for the archives of the embassy.

I have, &c.,

(Signed) STRATFORD CANNING.

No. 68.

(Count Nesselrode to Count Lieven.)

ST-PETERSBOURG, le 13 Mars 1825

(Received 29 March (10 April.)

MONSIEUR LE COMTE,—Votre Excellence trouvera ci-joint la ratification de la Convention que nous avons conclue avec Mr. Stratford Canning, au sujet des possessions respectives de la Russie et de la Grande-Bretagne, sur la côte N.-O. de l'Amérique.

En échangeant cet instrument contre celui qui doit nous être remis par la Cour de Londres, l'Empereur désire, Monsieur le Comte, que Vous observiez à Mr. Canning, qu'il eût été plus conforme d'après l'opinion de Sa Majesté Impériale, et aux principes d'une mutuelle justice et à ceux des convenances réciproques, de donner pour frontière à la lisière de côte que la Russie doit posséder depuis le 56° de latitude Nord, jusqu'au point d'intersection du 141° de longitude Ouest, la crête des montagnes qui suivent, les sinuosités de la côte.

Cette stipulation en effet, eût assuré aux deux Puissances, une parfaite égalité d'avantages et une limite naturelle. L'Angleterre y eût trouvé son profit partout où les montagnes sont à moins de dix lieues marines de la mer, et la Russie, partout où la distance qui les en sépare est plus grande. Il nous semble que, touchant des contrées dont la géographie est encore peu connue, on ne pouvoit proposer la stipulation plus équitable. Votre Excellence ajoutera, que le Plenipotentiaire de S. M. Britannique ayant déclaré qu'il se trouvoit dans l'impossibilité d'accueillir les vœux que nous lui avons exprimés sous ce rapport, c'est uniquement pour donner au Roi d'Angleterre une preuve de Ses dispositions amicales que notre Auguste Maître nous a permis de signer cet article tel qu'il existe dans la Convention actuelle.

L'Empereur Se flatte que S. M. Britannique appréciera un aussi sincère témoignage du désir qui nous animoit de terminer des discussions fâcheuses et d'en prévenir le retour par une transaction définitive.

Votre Excellence est autorisée à donner lecture de la présente à M. Canning et à lui en laisser une copie, avec prière de la mettre sous les yeux du Roi.

Recevez, Monsieur le Comte, l'assurance de ma haute considération.

(RIGHT HON. GEO. CANNING TO MR. S. CANNING.)

(No. 8. Extract.)

FOREIGN OFFICE, April 2, 1825.

SIR,—Your despatches by the messenger Latchford were received here on the 21st of March, and that of the 19th of March by the post on the 28th.

Having laid them before the King I have received His Majesty's commands to express His Majesty's particular satisfaction at the conclusion of the Treaty respecting the Pacific Ocean and North-west Coast of America in a manner so exactly conformable to your instructions, and to direct you to express to the Russian Government the pleasure which His Majesty derives from the amicable and conciliatory spirit manifested by that government in the completion of this transaction. * * * *

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MAPS WHICH HAVE BEEN FOUND TO AGREE WITH THE BRITISH COLUMBIA CONTENTION OR TO FAVOUR IT.

Map published by the Quartermaster-General's Department, Russia, 1802.

This was transmitted to Foreign Office in London by Sir C. Bagot with his despatch of 17 November, 1821. Sir C. Bagot's M.S. notes on the original.

This map shows the southern boundary of the Russian possessions running inland nearly at right angles to the coast from a point on the mainland nearly opposite the north-east angle of Revillagigedo Island, a few miles south of Burroughs Bay. The mountains and coast line copied from Vancouver or very nearly so. Mountains forming a practically continuous range following the coast at a small distance from it.

(Reproduced in Appendix IV, British Case, Behring Sea Arbitration.)

Carte Encyprotype de l'Amérique Septentrionale Dédiée et présentée à Monseigneur par H. Brué, Ingénieur-Géographe de S. A. Royale, Paris, 1815.

In this the line of boundary shown on the coast to northward for British Possessions, gives Prince of Wales Archipelago to Russia, includes whole of Revillagigedo Island as British (running along channel to north of island) and strikes inland in a north-easterly direction from the head of Burroughs Bay.

(Brit. Mus. Library, 69915, 36.)

America, by R. Wilkinson, London, dated 1824. Engraved below title, republished by William Darton, 58 Holborn Hill, London (no date given for republication, but presumably a year or two later than original date, as the boundary between British and Russian Possessions is shown with "Boundary settled 1825" engraved along that part of line which follows the 141st Meridian. The line on the coast gives Prince of Wales Island, &c., to Russia and Revillagigedo Island to Britain, striking inland at right angles to the coast at Burroughs Bay. Thence running in a straight line in general parallelism to the coast to near the end of Lynn Canal. Then jogging to the west and next running straight in general parallelism to the coast to the 141st Meridian, which it follows northward. (British Museum Library, 69810, 16.)

America, Prof. J. M. F. Schmidt, Berlin, 1830. This map shows the boundary line going inland from Burroughs Bay, running direct, in general parallelism to coast to near head of Lynn Canal. There jogging to west, and then resuming straight course in parallelism to coast to long. 141°. Gives the whole of Prince of Wales Island to Russia, the whole of Revillagigedo to Britain. (British Museum Library, 69810, 56.)

Weltkarte in Mercator's Projection; von Christian Gottlieb Reichard, neue Ausgabe, Murnberg bei Freide, Campe, 1839.

In this edition of Reichard's very carefully compiled map, the political boundaries of countries are coloured. The boundary between Russian and British possessions begins in the narrow neck of the promontory between Revillagigedo and Frederick's Sound. Runs thence away from coast, and then sweeps along in wide curves in general parallelism to coast nearly to Mount St. Elias, where it bends northward and ends indefinitely.

(The blue line here shown is thus not identical with others quoted, but shows independent opinion on the subject.)

Gives the whole of Prince of Wales Island to Russia. The whole of Revillagigedo to Britain. (British Museum Library, 920, 106.)

A. Carte Physique et Politique de l'Amérique Septentrionale, par A. H. Brué, Géographe de S. A. R. Monsieur, Paris, 1821.

This shows the southern boundary of the Russian possessions running inland from Cape Fanshaw.

B. Carte de l'Amérique Septentrionale, etc., par L. Vivien, Géographe, Paris, 1825.

Shows the boundary running inland from about the same point as last.

C. Carte de l'Amérique Septentrionale Redigée, par A. H. Brué, Paris, 1825.

Shows the boundary running up Clarence Strait and entering the mainland at Burroughs Bay. Marked "Limite fixée en 1825."

D. Carte Générale de l'Amérique Septentrionale, etc., par A. Brué, Géographe du Roi, Paris, 1828.

Same indication of boundary.

E. Another edition of the above, 1838.

Same indication of boundary.

F. Amérique Septentrionale, par F. Delamarche, Paris, 1833.

Shows (in colour only) boundary beginning on mainland about head of Burroughs Bay.

(The foregoing works marked A to F form part of a collection of North-west Coast literature in my own possession.)—G. M. D.

Compare also Russian American Company's charter of 1844, where it is said that commencing from the southernmost point of Prince of Wales Island "the above line runs northward along the straits named Portland Channel to that point of the mainland where it touches the 56th degree of north latitude." (United States Behring Sea Case. App. I, p. 29, Sec. 2.)

EXTRACT FROM A REPORT OF THE COMMITTEE OF THE HONOURABLE
THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY ON
THE 28th MARCH, 1898.

The Committee of the Privy Council have had under consideration a despatch, hereto annexed, dated 8th March, 1898, from the Right Honourable Mr. Chamberlain, marked "secret," in which the proposition is made that Commissioners should be appointed under Article I. of the Convention of the 22nd July, 1892, to consider and establish the boundary line between Alaska and British Columbia, the Commissioners to be instructed in the first instance to define a provisional boundary in the Lynn Canal region.

The Minister of the Interior, to whom the despatch was referred, submits that, in his judgment, such action would be open to grave objection for the following reasons :—

1. Article 1 of the Convention of 1892 contemplates a permanent and final, not a provisional delimitation of the boundary line. The provisional line when marked out would acquire no validity from the fact that it had been marked out under the Convention ; and agreement between the Governments would be necessary to make it valid. Nor would it have moral force towards securing such agreement as would a permanent line agreed upon by Commissioners acting under the same provisions of the Convention. An agreement between Her Majesty's Ambassador at Washington and the Government of the United States to adopt a temporary line for the purposes of administration would secure all that is necessary at the present juncture to avoid conflict of jurisdiction.
2. The assent of the Government of Canada to an arrangement whereby Commissioners, appointed under a Convention which purports to aim at establishing a permanent line in accordance with the boundary treaties in regard to it, should establish a provisional line, might be construed into an admission on the part of Canada that the line described in those treaties is inconsistent with the topographical features of the region and therefore impracticable. The Government of Canada, on the other hand, has always held that it is quite practicable to survey and mark out the boundary in strict accordance with the treaty description.
3. In order to make plain the fact that the description of the line in the treaties is not inconsistent with the topographical features of the region, and to resolve existing differences of interpretation of the treaties, it appears essential that the line be considered as a whole. The determination of a part of it in accordance with merely local topographic conditions may defeat this object.

The Committee, on the recommendation of the Minister of the Interior, advise that Your Excellency be moved to inform the Right Honourable Her Majesty's Principal Secretary of State for the Colonies that the Government of Canada is unwilling, for the reasons stated, to agree to the determination of a provisional line under the Convention of 1892, but that this Government sees no objection to a provisional arrangement with the United States Government, whereby, pending the settlement of the boundary question, and as to the territory traversed by the mountain passes which lead from Taiya Inlet, each Government shall remain in possession of the territory now actually occupied by it, and that, for this purpose, a line drawn at the summit of the passes or the watershed between the rivers flowing into Taiya Inlet and the tributaries of the Yukon River would be satisfactory to Canada.

All of which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk of the Privy Council.

The Honourable
The Minister of the Interior.

EXTRACT FROM A REPORT OF THE COMMITTEE OF THE HONOURABLE
THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY
ON THE 27th JUNE, 1898.

The Committee of the Privy Council have had under consideration a despatch, hereto attached, dated 14th May, 1898, from His Excellency Her Majesty's Ambassador at Washington, transmitting herewith a copy of a *Pro Memoria* which, under instructions from the Marquis of Salisbury, he delivered to the United States Secretary of

State, on the 18th of April, 1898, respecting a provisional delimitation of the Alaska boundary in the region of the Lynn Canal, and copy of a Note which he received from Mr. William K. Day in reply.

The Minister of the Interior, to whom the matter was referred, submits that the proposition of the United States Government, as stated therein, differs from the proposition set forth on behalf of Canada by Order of Your Excellency on the 28th of May, 1898, in certain important particulars. This proposition was that, pending the settlement of the boundary question and as to the territory traversed by the mountain passes which lead from Taiya Inlet, each Government shall remain in possession of the territory now actually occupied by it, and for this purpose a line drawn at the summit of the passes, or the watershed between the rivers flowing into Taiya Inlet and the tributaries flowing into the Yukon River, would be satisfactory to Canada.

The Minister submits that it is to be observed that the United States proposition as communicated by Secretary Day to Sir Julian Pauncefote, substitutes "Lynn Canal" for "Taiya Inlet." Accordingly Secretary Day, while acceding to the Canadian proposition to place the provisional line at the Taiya summit, proposes to apply the principle of the watershed range between rivers flowing into Lynn Canal and rivers flowing into the Yukon River to the route commonly called the Dalton Trail, which leads from the head of Chilkat Inlet. The effect of this will be to place the boundary line much more than ten marine leagues from the nearest salt water, whereas, under the terms of the Convention between Great Britain and Russia of 1825, and of that between the United States and Russia of 1867, the United States, even if it be admitted that the coast spoken of in those Conventions is the shore-line of inlets (a claim which, however, is not admitted by Canada), can have no claim to any territory beyond ten leagues from salt water. Moreover, Canada is at the present time in effective possession of a portion of the territory on the seaward side of the summit of the Chilkat passes by a Mounted Police post and Custom House on a tributary of the Chilkat River.

The Minister suggests as a suitable and unmistakable natural feature for a provisional boundary on the Chilkat route, for the purpose of avoiding conflicts of jurisdiction, but without prejudice to the rights of either party when the boundary question is finally determined, the junction of the Klacheela (otherwise called Klehian) River with the Chilkat River.

The Minister states that as regards the marking of this point, as well as of the summits of the Chilkoot and White Passes, it does not appear that it is necessary that Commissioners should be appointed. The officers of the Government on the spot, either the Customs Officers, or the Military or Mounted Police Officers, could arrange the matter, planting posts, if necessary, in as satisfactory a manner as could Commissioners specially appointed.

The Committee advise that Your Excellency be moved to forward a certified copy of this Minute to Her Majesty's Secretary of State for the Colonies, and also to Her Majesty's Ambassador at Washington.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,

Clerk of the Privy Council.

The Honourable

The Minister of the Interior.

AGREEMENT BETWEEN THE HUDSON'S BAY COMPANY AND THE RUSSIAN AMERICAN COMPANY RESPECTING CERTAIN COMMERCIAL ARRANGEMENTS HEREINAFTER NOTICED, SIGNED AT HAMBURG SIXTH DAY OF FEBRUARY, 1839.

The Governor, Deputy Governor, and Committee of the Hudson's Bay Company of London, and the Directors of the Russian American Company of St. Petersburg, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an Agreement which may settle upon the basis of reciprocal convenience and advantage, different points connected with the commerce of the said Hudson's Bay Company and the Russian American Company, have named agents to conclude an Agreement for this purpose; that is to say:—The Hudson's Bay Company of London have appointed Mr. George Simpson, Governor of their territories of Rupert's Land, to act in their behalf, and the Russian American Company have appointed His Excellency Baron Wrangell, Rear-Admiral in the service of His Majesty the Emperor of Russia, to act in their behalf; who, after having communi-

cated to each other their respective full powers found in good and due form, have agreed upon and signed the following Articles :—

ARTICLE I.

It is agreed that the Russian American Company, having the sanction of the Russian Government to that effect, shall cede or lease to the Hudson's Bay Company for a term of ten years, commencing from the 1st of June, 1840, for commercial purposes, the coast (exclusive of the islands) and the interior country belonging to His Majesty the Emperor of Russia, situated between Cape Spencer, forming the north-west headland of the entrance of Cross Sound and latitude $54^{\circ} 40'$, or thereabouts, say the whole mainland, coast, and interior country belonging to Russia, together with the free navigation and trade of the waters of that coast and interior country situated to the southward and eastward of a supposed line to be drawn from the said Cape Spencer to Mount Fair Weather with the sole and entire trade or commerce thereof. And that the Russian American Company shall abandon all and every station and trading establishment they now occupy on that coast, and in the interior country already described, and shall not form any station or trading establishment during the said term of ten years, nor send their officers, servants, vessels or crafts of any description for the purposes of trade into any of the bays, inlets, estuaries, rivers or lakes in that line of coast and in that interior country. And shall not have any communication for the purposes of trade with any of the tribes of Indians occupying or inhabiting that coast or interior country. And shall not receive in trade, barter, or otherwise, any of the furs, peltries or produce whatsoever of the mainland, coast, or interior country already described. And shall in good faith and in spirit and to the letter relinquish in favour of, and cede and assign to, the Hudson's Bay Company the entire trade and commerce of the said coast and country, and by every means in their power protect the Hudson's Bay Company from all interference, encroachment, or competition in trade on the part of other Russian subjects, strangers, and foreigners whatsoever, during the said term of ten years as effectually as if the said coast and interior country had not been ceded and had been virtually occupied by themselves. And that the Russian American Company shall permit and afford facilities to the Hudson's Bay Company to take and retain possession of the Russian establishment of Point Highfield at the mouth of the Stekine River and to occupy by the formation of other stations, establishments, or otherwise, for the purposes of trade such other parts of the said coast and interior country as they may consider it desirable so to occupy. And in the event of this Agreement not being renewed after the expiration of the said term of ten years, it is agreed that the Hudson's Bay Company shall relinquish in favour of the Russian American Company the said establishment situated at Point Highfield and any other stations or posts they may in the meantime form on the Russian territory already described. And in consideration of such cession and protection, and of the commercial and other advantages the Hudson's Bay Company may derive from such cession and protection, it is agreed that the Hudson's Bay Company shall pay or deliver to the Russian American Company an annual rent of two thousand seasoned land otter skins (excluding cub and damaged skins) taken or hunted on the west side of the Rocky Mountains during the said term of ten years, the first payment of said rent to be by the delivery of the said two thousand otter skins on or before the 1st of June, 1841, to the agents of the Russian American Company on the north-west coast.

ARTICLE II.

It is further agreed that the Hudson's Bay Company shall not trade with Indians nor receive in trade or barter, nor hunt any furs or peltries on any other part of the Russian territory on the north-west coast or islands than that ceded to them under the provisions of the foregoing Article.

ARTICLE III.

It is further agreed that the Hudson's Bay Company do sell to the Russian American Company all the seasoned land otter skins they may collect on the west side of the Rocky Mountains, not exceeding 2,000 skins over and above the 2,000 skins agreed to be paid as rent under the provisions of the First Article for the said term of ten years, at the price of 23s. sterling per skin, deliverable annually to their agent on the north-west coast, and that the Hudson's Bay Company do further sell to the Russian American Company 3,000 seasoned land otter skins taken or hunted on the east side of the Rocky Mountains, for the said term of 10 years, at the price of 32s. sterling per skin, deliverable annually in like manner to the agent of the Russian American Company on the north-west coast; the first delivery of skins under this Article likewise

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to be on or before the 1st June, 1841, and the following deliveries of skins to be on or before the 1st June in every year.

ARTICLE IV.

It is further agreed that the Hudson's Bay Company shall supply the Russian American Company annually for a term of 10 years with wheat to the extent of 2,000 fenagos of 126 lbs. per fenago in 1840, and to the extent of 4,000 fenagos per annum afterwards at the price of 10s. 9d. sterling per fenago, and the whole or as much of the undermentioned articles as convenient in 1840, and the full quantities annually for a term of nine years afterwards at the prices affixed to those articles respectively viz. :—

160 cwt. wheat flour at.	13s. 5d. per cwt.
130 cwt. pease at.	13s. "
130 cwt. grits and hulled pot barley, if it can be annually provided, at.	13s. "
300 cwt. salted beef at.	20s. "
160 cwt. salted butter at.	56s. "
30 cwt. pork hams at.	6d. per lb.

Provided nevertheless that if through any unforeseen cause it may not be possible for the Hudson's Bay Company to fulfil this part of the Agreement, then and in that case it is agreed that the Russian American Company shall send one of their vessels to the southern coast for the purposes of receiving the like supplies through the agency of the Hudson's Bay Company ; any extra charge that may be incurred through such contingency to be defrayed by the Hudson's Bay Company.

ARTICLE V.

It being desirable for the Hudson's Bay Company to increase their shipping or tonnage from England to the north-west coast as a means of facilitating the transport of the wheat and other supplies they have under the foregoing Article of this Agreement undertaken to deliver to the Russian American Company. It is further agreed that whenever the Russian American Company may have occasion to forward to their settlements on the north-west coast British manufactured goods and other supplies of the like description as they have usually been in the habit of receiving from England and the United States of America they will forward the same on freight by the Hudson's Bay Company's annual ships from England at a freight of 13s. sterling per ton, the freight to be computed either by weight or measurement according to custom. It being provided nevertheless that when the Russian American Company may have occasion to send any of their own ships from St. Petersburg to the north-west coast they will in such cases forward their supplies by their own ships instead of the Hudson's Bay Company's ships.

ARTICLE VI.

It is further agreed that the purchase money for otter skins under the Third Article, the purchase money of wheat and other agricultural produce under the Fourth Article, the freight of goods under the Fifth Article of this Agreement, and the purchase money for any other articles that may be supplied to the Russian American Company by the Hudson's Bay Company from time to time, shall be paid from time to time on the delivery respectively of the said skins, wheat, and other agricultural produce, goods on freight and other articles to the agent of the Russian American Company at Fort Simpson, Sitka, or any other point more convenient to the Hudson's Bay Company on the north-west coast north of the latitude of Fort Simpson, by bills of exchange in triplicate to be drawn by the said agent of the Russian American Company on the Directors of the Russian American Company at St. Petersburg in favour of the Governor, Deputy-Governor, and Committee of the Hudson's Bay Company or order at 60 days after sight, which the said Directors of the Russian American Company shall duly honour by acceptance and payment.

ARTICLE VII.

It is further agreed that should a declaration of war or hostilities unfortunately break out between Great Britain and Russia hereafter during the existence of this Agreement ; then and in that case such national hostilities shall not become a pretext for the non-payment on the part of the Russian American Company of the drafts of their agent on the north-west coast of America in favour of the Hudson's Bay

Company; but that all pecuniary matters of account between the contracting parties shall be liquidated and discharged honourably and in good faith as if their respective nations were in the most perfect amity.

ARTICLE VIII.

It is further agreed that should a declaration of war or hostilities unfortunately break out between Great Britain and Russia hereafter during the existence of this Agreement, the Russian American Company shall guarantee and hold harmless the Hudson's Bay Company from all loss and damage arising from such hostilities in so far as to enable the Hudson's Bay Company to evacuate and abandon their possessions or trading stations within the Russian territory quietly and peaceably, and to remove their goods, furs, and other property within three months after receiving information of such hostility or declaration of war.

ARTICLE IX.

It is further agreed by the Hudson's Bay Company, in consideration of the arrangements entered into under the provisions of this Agreement, that they shall relinquish their claim now pending on the Russian Government, the Russian American Company, or whoever else it may concern, for injury and damage said to be sustained by the Hudson's Bay Company arising from the obstruction presented by the Russian Authorities on the north-west coast of America to an expedition belonging to the Hudson's Bay Company at the entrance of the River Stikine on the north-west coast of America in the year 1834, outfitted and equipped by the said Hudson's Bay Company for the purpose of forming a commercial station in the interior British territory on the banks of the said Stikine River.

In witness whereof we, the respective agents, sign, seal, and execute this agreement at Hamburg this 6th day of February, in the year of Our Lord 1839.

(Signed) GEO. SIMPSON

and

BARON FERDINAND WRANGELL.

PAPERS presented by Command of Her Majesty to The House of Commons, in pursuance of an Address praying that Her Majesty would be graciously pleased to direct that such Means as to Her Majesty shall seem most fitting and effectual, be taken to ascertain the Legality of the Powers in respect to TERRITORY, TRADE, TAXATION and GOVERNMENT, which are, or recently have been, claimed or exercised by the HUDSON'S BAY COMPANY, on the Continent of *North America*, under the Charter of his Majesty King CHARLES the Second, issued in the Year 1670, or in Virtue of any other Right or Title, except those conveyed by or under the Act 43 Geo. 3, c. 138 (extending the Criminal Jurisdiction of Canadian Courts), and 1 & 2 Geo. 4, c. 66, intituled, "An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of *North America*."

No. 1.

COPY OF A LETTER FROM H. MERIVALE, ESQ., TO SIR J. H. PELLY, BART.

DOWNING-STREET, 23 August 1849.

SIR,—I AM directed by Earl Grey to transmit to you the enclosed copy of a Resolution of The House of Commons; and as it was with your concurrence, on behalf of the Company, that the adoption of this Resolution was assented to by Her Majesty's Government, I have to request you to move the Directors of the Hudson's Bay Company to render their assistance in complying with the Address of The House of Commons, by furnishing his Lordship with a statement of the rights to which the Company consider themselves entitled, and the extent to which those rights are at present, or have recently been, exercised in relation to the several heads of inquiry specified in the Resolution.

I have, &c.,

(Signed) H. MERIVALE.

No. 2.

COPY OF A LETTER FROM SIR J. H. PELLY, BART. TO EARL GREY.

HUDSON'S BAY HOUSE, LONDON, 13 September, 1849.

MY LORD,—I HAVE to acknowledge the receipt of Mr. Merivale's letter of the 23rd of August, written by your Lordship's direction, enclosing a copy of a Resolution of The House of Commons, dated the 5th July last, that an Address be presented to Her Majesty, praying that Her Majesty will direct means to be taken to ascertain the legality of the powers, in certain respects therein specified, which are claimed or exercised by the Hudson's Bay Company on the Continent of North America.

That letter has been submitted to the Directors of the Hudson's Bay Company; and, in compliance with your request, that they would render their assistance in complying with the Address of The House of Commons, by furnishing your Lordship with a statement of the rights to which the Company consider themselves entitled, and the extent to which those rights are at present, or have recently been exercised, in relation to the several heads of inquiry specified in the Resolution; I have now the honour to forward to you a statement of the rights as to territory, trade, taxation and government claimed and exercised by the Hudson's Bay Company on the Continent of North America, accompanied with a map of North America, on which the territories claimed by the Hudson's Bay Company, in virtue of the Charter granted to them by King Charles the Second, are coloured green, the other British territories pink, and those of Russia yellow.

I have, &c.,

(Signed) J. H. PELLY.

Enclosures in No. 2.

STATEMENT of the RIGHTS, as to TERRITORY, TRADE, TAXATION and GOVERNMENT claimed and exercised by the Hudson's Bay Company on the Continent of North America.

By the charter of His Majesty King Charles the Second, dated the 2nd May 1670, by which the Hudson's Bay Company was constituted, His Majesty granted to the Company as follows:—

"We have given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm, unto the said Governor and Company, and their successors, the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds in whatsoever latitude they shall be, that lie within the entrance of the straits commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts and confines of the seas, bays, lakes, rivers, creeks and sounds aforesaid, that are not already actually possessed by or granted to any of our subjects, or possessed by the subjects of any other Christian Prince or State, with the fishing of all sorts of fish, whales and sturgeons, and all other royal fishes, in the seas, bays, inlets and rivers within the premises, and the fish therein taken, together with the royalty of the sea upon the coasts within the limits aforesaid; and all mines royal, as well discovered as not discovered, of gold, silver, gems and precious stones, to be found or discovered within the territories, limits and places aforesaid; and that the said land be from henceforth reckoned and reputed as one of our plantations or colonies in America, called "Rupert's Land": And further, we do by these presents, for us, our heirs and successors, make, create and constitute the said Governor and Company for the time being, and their successors, the true and absolute lords and proprietors of the same territory, limits and places aforesaid, and of all other the premises, saving always the faith, allegiance and sovereign dominion due to us, our heirs and successors for the same; to have, hold, possess and enjoy the said territory, limits and places, and all and singular other the premises hereby granted as aforesaid, with their and every of their rights, members, jurisdictions, prerogatives, royalties and appurtenances whatsoever to them the said Governor and Company and their successors for ever, to be holden of us, our heirs and successors as of our manor of East Greenwich, in our county of Kent, in free and common socage, and not in capite, or by knight's service; yielding and paying yearly to us, our heirs and successors, for the same, two elk and two black beavers, whensoever and as often as we, our heirs and successors, shall happen to enter into the said countries, territories and regions hereby granted."

Under this grant the Company have always claimed and exercised dominion as absolute proprietors of the soil in the territories understood to be embraced by the terms of the grant, and which are more particularly defined in the accompanying map:

and they have also claimed and enjoyed the exclusive right of trading in those territories.

It may be right here to mention, that, although the original title to the territory and trade in question was derived under the charter above referred to, the rights of the Company have, in various instances, received the recognition of the Legislature.

The Act of 14 Geo. 3, c. 83, which is intitled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America," in describing the boundaries of Canada, expressly refers to their lying "northward to the southern boundary of the territories granted to the Merchants Adventurers of England trading into Hudson's Bay;" thereby distinctly recognizing the existence of such a grant,, and referring to the known boundary on the south of the territories so granted.

Again, an Act was passed in the 43rd year of the reign of Geo. 3, c. 138, intitled, "An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces;" and this Act, having stated in the preamble that crimes committed in the Indian territories were not then cognizable by any jurisdiction whatsoever, declares that such crimes should be considered as if committed within the jurisdiction of the Canadian courts.

A doubt having arisen whether this provision extended to the territories possessed by the Hudson's Bay Company, because, although they formed part of the Indian territories, crimes therein committed could not be said not to be cognizable by any jurisdiction whatsoever, inasmuch as the Hudson's Bay Company had a distinct jurisdiction conferred upon it by its charter, an Act was passed in the 1st & 2nd Geo. 4, c. 66, intitled, "An Act for regulating the fur trade, and establishing a commercial and Civil Jurisdiction within certain Parts of North America," by which, after reciting that doubts had been entertained whether the provisions of the Act of Geo. 3 extended to the territories granted by charter to the Governor and Company of Adventurers of England trading into Hudson's Bay, and that it was expedient that such doubts should be removed, and the said Act should be further extended, it was declared and enacted, that the provisions of the Act of 43 Geo. 3 should be deemed and construed "to extend to and over, and to be in full force in and through all the territories theretofore granted to the Hudson's Bay Company;" thus again distinctly recognizing the existence of the grant of the soil, as well as the jurisdiction; for the Act contains an express reservation that nothing therein contained should affect the rights, privileges, authority or jurisdiction of the Hudson's Bay Company; and, in consequence, from that period, the Company and the Canadian courts have exercised a concurrent jurisdiction as to offences committed within the territories of the Company. By this Act also power was given to the Crown to make, grant or give licenses for the exclusive privilege of trading with the Indians in all such parts of North America as should be specified in any such grants or licenses not being part of the lands and territories granted to the Governor and Company of Adventurers of England trading to Hudson's Bay, and not being part of any of the Crown provinces in North America, or of any lands or territories belonging to the United States of America.

By virtue of licenses granted under the powers of this Act, the Company are entitled to certain exclusive rights of trading beyond the limits of their own territories; but this Act is referred to here as distinctly recognizing the rights of the Company to exclusive trade within their own territories.

With regard to Taxation and Government, the Company, under their charter, are invested with power "to make, ordain and constitute such and so many reasonable laws, constitutions, orders and ordinances as to them, or the greater part of them, being then and there present, shall seem necessary and convenient for the good government of the said Company, and of all Governors of colonies, forts and plantations, factors, masters, mariners and other officers employed or to be employed in any of the territories and lands aforesaid, and in any of their voyages, and for the better advancement and continuance of the said trade or traffic and plantations, and the same laws, constitutions, orders and ordinances so made, to put in use and execute accordingly, and at their pleasure to revoke and alter the same, or any of them, as the occasion shall require: and it is provided that the said Governor or Company, so often as they shall make, ordain or establish any such laws, constitutions, orders and ordinances, in such form as aforesaid, shall and may lawfully impose, ordain, limit and provide such pains, penalties and punishments, upon all offenders contrary to such laws, constitutions, orders and ordinances, or any of them, as to the said Governor and Company for the time being, or the greater part of them then and there being present (the said Governor, or his deputy, being always one), shall seem necessary, requisite or convenient for the observation of the same laws, constitutions, orders and ordinances; and the same fines and amercements shall and may, by their officers and servants, from time to time to be appointed for that purpose, levy, take and have to the use of the said Gover-

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nor and Company, and their successors, without the impediment of us, our heirs or successors, or of any of the officers or ministers of us, our heirs or successors, and without any account therefor to us, our heirs or successors, to be made so always as the said laws, constitutions, orders and ordinances, fines and amerciaments, be reasonable, and not contrary or repugnant, but as near as may be agreeable to the laws, statutes or customs of this our realm." And it is further provided, "that all lands, islands, territories, plantations, forts, fortifications, factories or colonies, where the said Company's factories and trade are or shall be, within any the ports or places afore limited, shall be immediately and from henceforth under the power and command of the said Governor and Company, their successors and assigns, and the said Governor and Company are empowered to appoint and establish Governors and all other officers to govern them." And it is provided, "that the Governor and his Council of the several and respective places where the said Company shall have plantations, forts factories, colonies or places of trade, within any of the countries, lands or territories hereby granted, may have power to judge all persons belonging to the said Governor and Company, or that shall live under them, in all causes, whether civil or criminal, according to the laws of this Kingdom, and to execute justice accordingly; and in case any crime or misdemeanor shall be committed in any of the said Company's plantations, forts, factories or places of trade, within the limits aforesaid, where judicature cannot be executed for want of Governor and Council there, then in such case it shall and may be lawful for the Chief Factor of that place and his Council to transmit the party, together with the offence, to such other plantation, factory or fort where there shall be a Governor and Council, where justice may be executed, or into this Kingdom of England, as shall be thought most convenient, there to receive such punishment as the nature of his offence shall deserve."

In pursuance of the authority thus given, the Company have invariably exercised all the powers of Government necessary for the administration of justice in their territory, and for that purpose have appointed proper officers, who have acted judiciously in all matters arising therein.

As already observed, the Canadian courts have now a concurrent jurisdiction with the Company.

It may be right here to refer to several Acts of the Legislature which have recognized the general rights and privileges claimed and exercised by the Company.

An Act passed in the sixth year of the reign of Queen Anne, c. 37, intitled, "An Act for the Encouragement of the Trade to America," and this Act contains an express proviso, that "nothing therein contained shall extend or be construed to take away or prejudice any of the estates, rights or privileges of or belonging to the Governor and Company of Adventurers trading into Hudson's Bay."

In like manner, in 1745, when an Act was passed (18 Geo. 2, c. 17), for granting a reward for the discovery of a north-west passage through Hudson's Straits, it was expressly provided, that "nothing therein contained should extend or be construed to take away or prejudice any of the estates, rights or privileges of or belonging to the Hudson's Bay Company."

No exact system of taxation has been claimed or exercised by the Company; and until a colony of resident settlers was established, other than the Company's own servants, the Company defrayed the whole expenses of the government of their territories, without the aid of any contribution whatever; but since a colony was formed, it has been made a stipulation with the community, upon their becoming settlers, and receiving parcels of land, that they should contribute towards the expenses of the government of the colony; but the main charge has continued to be borne by the Company.

COMMISSIONER'S OFFICE,
HUDSON'S BAY HOUSE,
WINNIPEG, 13th December, 1892.

W. F. KING, Esq.,
Boundary Commissioner,
Department of the Interior,
Ottawa.

SIR,—In reply to your letter of the 24th ultimo, I write to say that my information is to the effect that the Company never had a Post on Chilkat Inlet or Lynn's Canal. They had a Post, I understand, on Tackoo Inlet, further particulars of which I shall hope to be in a position to send you shortly.

Yours faithfully,

C. O. CHIPMAN.

COMMISSIONER'S OFFICE,
HUDSON'S BAY HOUSE,
WINNIPEG, 13th February, 1893.

SIR,—I am in receipt of some further information regarding the matter referred to in your letter of the 20th October, 1892, which I transmit with the hope that it may be of service to you.

I learn that in the year 1832 Fort Simpson was built on the Naas River, but the long inlet by which the Post was approached from the sea was found unsuitable for shipping, while the harbour was not a well-protected one, and search was at once made for a position which would be within easy reach of the tribes in Southern Alaska and Northern British Columbia. The present site of Port Simpson was selected, and removal to this point was made in the year 1834. In the same year Fort McLaughlin was built on Milbank Sound, and it was operated until quite recently.

In 1829 and 1830 Fort Nisqually was built at the head of Puget's Sound, where farming operations were conducted on a large scale. In 1840 the Company took over from the Russians their post called Fort Stickeen, close to the mouth of the Stickeen River, and established a Post on Tackoo Inlet, which was called Fort Durham, in honour of the then Governor General of Canada.

It was found that the Indians of these two latter Posts were so difficult to deal with and so treacherous, that it was decided to abandon them, and in Outfit 1842, probably in the spring of 1843, these Posts were closed, and the goods removed to Fort Simpson and Fort McLaughlin. The Furs, however, were still collected at this point by Steamer, which continued to trade with the Indians of Southern Alaska up to the time that the United States purchased that territory from the Russian Government.

It appears, however, the Post of Tackoo was situated on Tackoo Harbour, about 12 miles south of the entrance of the inlet of that name. Some ruins of the old Post and the whole site are still to be seen close to the present Indian fishing-village of Tackoo.

Yours faithfully,

C. C. CHIPMAN.

W. F. KING, Esq.,
Department of the Interior,
Ottawa.

HUDSON'S BAY COMPANY,
VICTORIA, B.C., July 3rd, 1893.

C. E. H. WARDEN, Esq.,
Department of Interior,
Ottawa, Ont.

DEAR SIR,—I beg to acknowledge receipt of your letter of 26th ult., with remittance for \$23.10, for which amount I now return official receipt duly signed.

Thanking you for your kind attention to this matter, we are,

Yours faithfully,

For Hudson's Bay Co.,

J. W. ANDERSON,
Acct.

DESCRIPTION OF THE MOUNTAIN BOUNDARY OF THE LISIERE ACCORDING TO THE CONTENTION OF CANADA.

Beginning in 56° north latitude and in longitude 131° 42' or thereabouts, on the southern slope of the mountain marked 4070 on Sheet No. 8 of the British Commission under the Convention of 1892; thence following the summit ridge of the mountains across said peak 4070, and peaks 3800 and 3700, and along the northerly ridge of the last to Bradfield Canal, and across the same to peaks marked 3400, 4150, 4600, 6200, 5543, 4800, 5980 and 4630 in succession, all on said Sheet No. 8. And across peaks marked 4250, 4535, 4037 and 2525 on Sheet No. 9; and continuing from last-mentioned peak, across the Stikine River, to and across peaks marked 3300, 4483, 5700, 3690, 5355, 5860, 5268, and 4812, all on Sheet No. 9. Thence to and across peaks 5050, 4881 and 4050 on Sheet No. 10. Thence to and across peaks 4072, 4052 and 5159 on Sheet No. 11. Thence along the mountain ridge separating Hobart Bay from Port Houghton and Endicott Arm to peak 5465. Thence across peaks marked 4400, 3910, 4290, and 3110. Thence along the ridge to the entrance to Holkham Bay;

thence across said entrance to peaks 2710 and 3100. Thence to and across the entrance to Port Snettisham to peak 3748 on Sheet No. 12. Thence along the mountains between Stephens Passage and Speel River to peak 4300 on Sheet No. 13. Thence to and across Taku Inlet to peak 3441. Thence in succession across peaks 3300, 4175, 3630, 4960, 5385, 5640, 5540, 5100, 5124, 5700, 5986 and 5210 on Sheet No. 13, to the shores of Berner's Bay on the Lynn Canal. Thence across Lynn Canal to peaks 3452 and 3980 on Sheet No. 14; thence along the southern watershed of Endicott River to and across peaks 4800, 4650 and 5025. Thence across Glacier Bay to the summit of No. 14 to the shores of Glacier Bay, and thence across Glacier Bay to the summit of the mountains lying north of Berg Bay. Thence along the watershed between the waters flowing into the said Berg Bay and those flowing into the western arm of Glacier Bay and along to the watershed between Dundas Bay and said west arm to peak marked 4010 on Sheet No. 15. Thence along the height of land between Brady Glacier and the north-western arm of Glacier Bay to peak marked 6980 on Sheet No. 15. Thence along the same watershed to Mount Crillon. Thence along the range known as the Fairweather Range, and approximately parallel to the ocean, to peak marked 4920 on Sheet No. 20. Thence across Alsek River to peak 3700. Thence along the mountains shown on said Sheet No. 20 to peak 5300. Thence to peaks 3790 and 3760. Thence to Mounts Unana, Tebenkof and Hendriksen in succession. Thence to the mountain on the west shore of Disenchantment Bay and south of Dalton Glacier as shown on Sheets Nos. 21 and 23. Thence along peaks 6350 and 7555 on said Sheet 23 to Mount Cook. Thence along the peaks marked on Sheet 24, 13375, 11000, 6775, 5960, and 9950. Thence following the dividing ridge westerly to Mount St. Elias. Thence along the westerly ridge of the same to the 141st meridian. Thence north along said 141st meridian.